

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78162 of 2024

Arising Out of PS. Case No.-177 Year-2024 Thana- Kavaiya District- Lakhisarai

Pawan Yadav S/O Dhobi Yadav Resident of Village -Kabaiya Bari, Ward No -32 ,P.S.- Kabaiya, Distt- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adesh Raj Singh, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Kabaiya P.S. Case No. 177 of 2024 for the offence punishable under sections 274, 275, 3(5) of the Bharatiya Nyaya Sanhita and 30 (a) of the Bihar Prohibition and Excise Act lodged on 26.08.2024.

3. As per the prosecution story, the informant alleged that on secret information, it reached the place and apprehended one Badal Kumar and there is recovery/seizure of 495.00 liters of mahua and he gave the name of the petitioner as accomplice. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, the recovery/seizure is from Badal Kumar and nothing from his conscious possession and on the confession



made by Badal Kumar he has been taken into custody.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedent.

6. Taking into account the submissions put forwarded by the parties as also that nothing has been recovered from his conscious possession and he is in custody since 31.08.2024 (paragraph-7 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Session Judge IV-cum-Special Judge, Excise Court-I, Lakhisarai, in connection with Kabaiya P.S. Case No. 177 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

U		T	
---	--	---	--

