

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76544 of 2024

Arising Out of PS. Case No.-191 Year-2024 Thana- GAMAHARIYA District- Madhepura

Sitaram Yadav Son of Late Phani yadav Resident of Village- Bhelva Ward No.
04, P.S.- Gamhariya, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjay Kumar Singh, Advocate
For the State	:	Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Gamahariya P.S. Case No. 191 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 25.09.2024 by the informant, Sitaram Yadav.

3. As per the prosecution story, the informant alleged that received an information about the big consignment of country made liquor bought by Vivek Kumar and Dayanand Yadav, reached the spot and after seeing the police accused persons started running and this petitioner was arrested and there is/are recovery of 189 liters of country made liquor. Accordingly, the seizure, arrest, F.I.R.

4. Learned counsel for the petitioner submits that the



motorcycle does not belong to him nor anything recovered from his conscious possession stands implicated and has been in custody since 26.09.2024 (paragraph no.4 of the petition).

5. Learned APP for the State opposes the prayer for bail.

6. Taking into account the aforesaid submissions as also the fact that that the vehicle does not belong to him and is in custody since 26.09.2024 and he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court No.-01, Madhepura in connection with Gamahariya P.S. Case No. 191 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 *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court 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 next six months to mark his attendance;

(iv) the petitioner shall in now 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 bail bonds.

(Rajiv Roy, J)

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