

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78460 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- Excise P.S. District- Gaya

Rupu Yadav S/O Balchan Yadav @ Banchand Yadav Resident of village-
Bikopur, P.S- Raushanganj, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Excise P.S. Sherghati Case No. 145 of 2024 for the offence punishable under Sections 30(a) & 32(c) of the Bihar Prohibition and Excise Amendment Act lodged on 07.09.2024 by the informant, Md. Habil.

3. As per the prosecution story, upon secret information, the informant intercepted a motorcycle and recovered/seized 55 liters of illicit Chulai liquor as also the motorcycle. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he does not own the vehicle, being a pillion rider, taken into custody, is in custody since 07.09.2024 (para-4 of the petition) and only because of criminal antecedent, got implicated.



5. Learned APP opposes the prayer.

6. Taking into account the aforesaid submissions put forward by the parties as also the fact that FIR lodged, he will be facing the trial, does not own the vehicle and is in custody since 07.09.2024, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-3, Gaya, in connection with Excise P.S. Sherghati Case No. 145 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 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 next six months 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)

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