

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79450 of 2024

Arising Out of PS. Case No.-688 Year-2024 Thana- Excise P.S. District- Gopalganj

Biraj Yadav @ Biriraj Yadav S/o Mandeo Yadav R/o Village- Bedupur Nayka
Tola, P.S.- Tareya Sujan, District- Kushinagar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Gopalganj Excise P.S. Case No. 688 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2018 lodged on 04.09.2024 by the informant, Roshani Kumari.

3. As per the prosecution story, the informant alleged that during the inspection of vehicles, it intercepted a motorcycle and there is recovery/seizure of 90 liter country made liquor. This led to the FIR, arrest.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, has nothing to do with the motorcycle and has remained in custody since 05.09.2024 (para 6 of the petition).



5. Learned APP opposes the prayer for bail submitting that when the motorcycle was intercepted, the petitioner was on the said vehicle.

6. Considering the submissions put forward by the parties as also the fact that he do not have criminal antecedent and is in custody since 05.09.2024, 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) each with two sureties of like amount each to the satisfaction of learned A.D.J. -VI cum Special Judge Excise -II, Gopalganj, in connection with Gopalganj Excise P.S. Case No. 688 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 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)

Vijay Singh/-

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