

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82727 of 2024

Arising Out of PS. Case No.-264 Year-2024 Thana- Excise P.S. District- Madhubani

Rakesh Kumar Yadav @ Rakesh Yadav Son of Barun Yadav Village- Belhatta,
Kolhatta, P.S. Lalmaniya, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar Bharti, Advocate
For the APP	:	Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhubani Sadar Excise P.S. Case No. 264 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 26.09.2024 by the informant, Prince Kumar.

3. As per the prosecution story, the informant alleged that on secret information, a Scorpio was intercepted and there is recovery/seizure of 114 liters of Nepali country made liquor which led to the F.I.R. and the arrest of the petitioner.

4. Learned counsel for the petitioner submits that the Scorpio does not belong to him, has no criminal antecedent, is a student, has already suffered by being in custody since 26.09.2024 (paragraph no.23 of the petition) and shall be



diligently appearing in trial.

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

6. Taking into account the aforesaid submissions as also the fact that the vehicle does not belong to him, is a young person, has no criminal antecedent and is in custody since 26.09.2024, 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 Additional District & Sessions Judge-II-cum-Special Judge Excise Act, Madhubani in connection with Madhubani Sadar Excise P.S. Case No. 264 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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