

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82884 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- MADHEPUR District- Madhubani

Durganand Yadav @ Durganand Kumar Yadav S/o Nagendra Yadav R/o
Village - Sarauti, Ward No.- 11, P.S.- Ghoghardiha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-12-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Madhepur P.S. Case No. 97 of 2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act and section 78 of J.J. Act, lodged on 27.07.2024 by the informant, Amit Kumar Chaurasiya.

3. As per the prosecution story, the informant alleged that upon secret information, intercepted a motorcycle and recovery/seizure of 150 liters of country made liquor from the two bags. This led to the F.I.R./arrest of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner does not own the motorcycle, only because of his earlier criminal antecedent he has been implicated, is in custody since 20.09.2024 (paragraph no.18 of the petition).



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

6. Taking into account the aforesaid facts as also that the petitioner has no criminal antecedent and is in custody since 20.09.2024, F.I.R. lodged, he shall be facing the trial, 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 Act, Jhanjharpur, Madhubani in connection with Madhepur P.S. Case No. 97 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 one year 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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