

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81085 of 2024

Arising Out of PS. Case No.-429 Year-2024 Thana- Excise P.S. District- Banka

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Bablu Yadav Son of Varun Yadav Resident of Village - Dubouni, P.S. -
Amarpur, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Banka Excise P.S. Case No. 429 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 09.10.2024 by the informant, Arvind Kumar.

3. As per the prosecution story, Police upon checking, intercepted a pick-up van and recovered/seized 450 liters of foreign made liquor. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that he being the driver had no knowledge about the presence of the materials loaded have foreign liquor for which he has already suffered by being in custody since 08.10.2024 (paragraph-4 of the petition) having no criminal antecedent. Further, the last submission is that without accepting the allegation and/or the



outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Banka for the purchase of Steel Benches for the Civil Court Campus of Banka Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer for bail submitting that upon interception, recovery/seizure has been made.

6. Taking into account the submissions put forwarded by the parties as also the fact that he is the driver, remained in custody since 08.10.2024 and an undertaking has been given that he will be diligently appearing in trial, this Court is inclined to extend him the privilege of bail with conditions subject to payment of Rs. 10,000/- to the District Legal Services Authority, Banka for the purchase of Steel Benches for the Civil Court Campus of Banka Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the trial Court by the DLSA, Banka.

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 Special Judge Exclusive Excise Court-2, Banka, in connection with Banka Excise P.S. Case No. 429 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)

Adnan/-

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