

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80826 of 2024

Arising Out of PS. Case No.-241 Year-2024 Thana- Kadirganj P.S. District- Nawada

Mohan Yadav Son of Late Ramsharan Yadav VILLAGE- Patwasarai, P.S.-
Kadirganj, DISTRICT- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-11-2024

Heard the parties.

2. The petitioner is in custody in connection with Kadirganj P.S. Case No. 241 of 2024 for the offence under Sections 30(a), 30(d) of the Bihar Prohibition and Excise Act lodged on 04.10.2024 by the informant, Rajeev Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling, a person was apprehended and there is recovery/seizure of 50 liters Mahula liquor (wrongly typed as 40 liters both in the petition as also in the order of learned Sessions Judge, Nawada). This led to the F.I.R.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, the police has implicated, nothing has been recovered from his conscious possession and is in custody since 05.10.2024 (para-4 of the petition). Further,



without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he intends to contribute Rs. 2,000/- to the Chief Minister's Relief Fund. It has also been undertaken by the petitioner that if he once again gets implicated in any such case, the prosecution can take immediate steps for cancellation of bail bonds.

5. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.

6. Considering the submission put forwarded by the parties as also the fact that he is in custody since 05.10.2024 and ultimately, will be facing the trial and it has been undertaken by the petitioner if he once again gets implicated in any such case, the prosecution can take immediate steps for cancellation of bail bonds, in that background, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 2,000/- to the Chief Minister's Relief Fund through Demand Draft and the receipt be submitted to the Trial Court.

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 Excise Court-I, Nawada in connection with Kadirganj P.S. Case No. 241 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 the 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 month for next one year 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 bail bond.

(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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