

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80915 of 2024**

Arising Out of PS. Case No.-416 Year-2024 Thana- Excise P.S. District- Banka

Babulal Yadav Son of Mati Yadav Resident of Aliganj, P.S.- Banka, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, 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 Banka Excise P.S. Case No. 416 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act lodged on 02.10.2024 by the informant, Saraswati Kumari.

3. As per the prosecution story, the Police while patrolling, intercepted a motorcycle and upon search, 2.625 liters of foreign liquor recovered/seized. Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that only because of his criminal antecedents, the Police keeps on implicating him, he has already suffered by being in custody since 02.10.2024 and further, in case, he is implicated in any



such case of Excise Act, the present bail bond be cancelled, if relief is extended to him.

5. Learned APP, Mr. Bharat Bhushan opposes the prayer for bail submitting that he has criminal antecedents.

6. Taking into account the submissions put forwarded by the parties as also the fact that he has given an undertaking that the petitioner shall be diligently appearing in trial, in custody since 02.10.2024 and the recovery is 2.625 liters foreign liquor, 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 Special Judge, Exclusive Excise Court-2, Banka, in connection with Banka Excise P.S. Case No. 416 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 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 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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