

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80859 of 2024

Arising Out of PS. Case No.-723 Year-2024 Thana- WAJIRGANJ District- Gaya

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Lav Prasad @ Lav Prasad Yadav Son of Kali Charan Prasad Resident of
Village- Malikpur, P.S.- Wazirganj, Distrcit- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Wazirganj P.S. Case No. 723 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and 303(2), 317(5) and 3(5) of Bharatiya Nyaya Sanhita-2023 lodged on 01.10.2024 by the informant, Shyam Bihari Choudhary.

3. As per the prosecution story, the informant alleged that while on duty and on confidential information, the motorcycle was intercepted and there is recovery/seizure of 10 liters of country made Mahua. Further, it also moved near a paddy field and there is recovery of 200 liters of country made Mahua. This led to the implication/arrest/FIR.

4. It is the case of the petitioner that nothing has



been recovered from his conscious possession and only because of criminal antecedent, implicated. Further, he is in custody since 02.10.2024.

5. Learned APP opposes the prayer.

6. Considering the aforesaid submission put forward by the parties as also the fact that nothing has been recovered from his conscious possession and ultimately will be facing the trial, he is in custody since 02.10.2024, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge Excise Court-V, Gaya, in connection with Wazirganj P.S. Case No. 723 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 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 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)

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