

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82113 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- Pura police station District- Gaya

Yogendra Yadav Son of Deobalak Yadav Resident of Village - Malsari, P.S. -
Panchanpur, District – Gaya Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.

For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-11-2024 Heard Mr. Sanjeev Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Pura P.S. Case No. 69 of 2024 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 07.10.2024 by the informant, Ranjan Kumar.

3. As per the prosecution story, the informant alleged that during patrolling, upon secret information, a Pick-Up van was intercepted and there is recovery/seizure of 346.5 litres of foreign liquor. Accordingly, the FIR/arrest.

4. It is the case of the petitioner that he is not the owner of the Pick-Up van and merely because of the criminal antecedent, implicated, has remained in custody since 08.10.2024 (para-4 of the petition). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs.20,000/- (Twenty thousand)



to the District Legal Services Authority, Gaya, for installation of music system in the Civil Court campus, Gaya.

5. Learned APP opposes the prayer.

6. Considering the submissions put forward by the parties as also the fact that as per the petitioner does not own the vehicle, has remained in custody since 08.10.2024, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 20,000/- (Twenty thousand) through Bank draft issued by the local State Bank of India to the District Legal Services Authority, Gaya, for installation of music system in the Civil Court campus, Gaya. A receipt thereof has to be submitted before the Trial court, Gaya.

7. It is made clear that if it is found that the petitioner owns the vehicle, the order shall become infructuous.

8. Let the petitioner, above named, 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 Excise Court No.2, Gaya in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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 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.

9. Let a copy of this order be communicated to the learned Principal District & Sessions Judge, Gaya.

(Rajiv Roy, J)

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