

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82138 of 2024

Arising Out of PS. Case No.-336 Year-2024 Thana- DARBHANGA SADAR District-
Darbhanga

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Rahul Yadav @ Rahul Kumar Yadav Son of Nakku Yadav Resident of Village
-Ranipur, Ward No.- 6, P.S. - Sadar, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-11-2024 Heard Mr. Girish Chandra Jha, learned counsel for

the petitioner and the State.

2. The petitioner is in judicial custody in connection
with Sadar P.S. Case No. 336 of 2024 for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act, lodged on 13.09.2024 by the informant, Md.
Mahboob Ansari.

3. As per the prosecution story, the informant alleged
that during patrolling, upon secret information, the house of the
petitioner was raided and there is recovery/seizure of 113.615
litres of foreign/Nepali liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that
only because of his criminal antecedent, he has been implicated,
the house is not in his exclusive possession and nothing has



been recovered from his conscious possession, is in custody since 14.09.2024 (para-04 of the petition) and if granted bail, shall be diligently appearing in the trial.

5. Learned APP opposes the prayer.

6. Considering the submissions as also the material on record couple with the fact that recovery/seizure is from the joint house, is in custody since 20.08.2024, as undertaken, he shall be diligently appearing in the trial, this Court is inclined to extend him the privilege of bail.

7. 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 Special Judge 1st , (Excise Act) Darbhanga 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.

(Rajiv Roy, J)

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