

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83681 of 2023

Arising Out of PS. Case No.-1706 Year-2023 Thana- Excise P.S. District- Gaya

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Ravi Ranjan Yadav Son Of Ram Sujan Singh R/O Village- Alipur Bihta, P.S.-
Shalimpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumari Pallavi

For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Excise P.S. Case No. 1706/2023 registered for the offences
punishable under Section 30(a) of the Bihar Excise Prohibition
Act.

3. As per prosecution case, 181.500 litre illicit
liquor was recovered from Tata Sumo Gold vehicle in question
and petitioner(driver) along with others were apprehended on
spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case. It is
further submitted that petitioner is not the owner of the vehicle



in question and he has no knowledge about the alleged recovery. Petitioner being the driver of the said vehicle has to follow the instruction of the owner to earn his livelihood. Petitioner is in custody since 28.09.2023. It is further submitted that there is no compliance of Section 100 and 101 of the Cr. P.C. as well as Section 82 of the Bihar Prohibition and Excise Act. Co-accused Subodh Kumar has already been granted bail by this Court vide Cr. Misc. No. 80688 of 2023 and case of the present petitioner stands more or less on similar footing. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Learned Exclusive Excise Court No. 3, Gaya, District-Gaya in connection with Excise P.S. Case No. 1706/2023, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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