

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84404 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- BAHADURPUR District- Darbhanga

Rahul Yadav Son Of Devi Lal Yadav R/O Village- Raghepura, P.S.-
Bahadurpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bahadurpur P.S. Case No. 463 of 2023 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

As per prosecution case, on the basis of secret
information, informant along with police personnel recovered
168 litre country made liquor from a pond at village Radhepura
which was kept hidden beneath water hyacinth. It is further
alleged that when police searched secretly, it was found out that
the alleged liquor belongs to petitioner (Rahul Yadav) and
others.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. It is further submitted that petitioner has falsely been implicated in this present case on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of the petitioner. It is further submitted that petitioner was not apprehended on spot. Seizure list has not been made as per law. Petitioner is in custody since 22.09.2023. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 Exclusive Special Judge-I (Excise Act), Darbhanga in connection with Bahadurpur P.S. Case No. 463 of 2023, subject to the 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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