

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.725 of 2024

Arising Out of PS. Case No.-788 Year-2023 Thana- Excise P.S. District- Aurangabad

VIPIN KUMAR YADAV @ BIPIN KUMAR YADAV S/O KAMDEV
YADAV R/O VILLAGE- BARANDA TOLA TALTHAR, P.S.- DHIVRA,
DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 788 of 2023 registered for the offences punishable
under Sections 30(a), 32(1) and 32 of the Bihar Excise
(Prohibition) Amendment, Act, 2018.

As per prosecution case, 61.200 litre foreign liquor
was recovered from motorcycle in question and petitioner was
apprehended on spot.

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.
Basically no incriminating article has been recovered from



conscious possession of the petitioner. It is further submitted that petitioner's vehicle was stopped by the police during course of search and petitioner was asked to show some documents. As the documents were not available with the petitioner at that time, money was demanded from him. When money was not paid, the alleged vehicle was seized and false case was lodged showing recovery of illicit liquor. Seizure list has not been made as per law. The petitioner is not in any way connected with the alleged recovery. Petitioner was apprehended on spot merely on suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged recovery. Petitioner is in custody since 11.10.2023. Petitioner bears criminal antecedent of one case.

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, 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 Special Judge, Excise – II, Aurangabad, Bihar in



connection with Excise P.S. Case No. 788 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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