

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84745 of 2024

Arising Out of PS. Case No.-84 Year-2024 Thana- Nawalpur District- West Champaran

Omprakash Yadav @ Om Prakash Yadav Son of Malakh Yadav Resident of
Village - Nawalpur, P.S. - Nawalpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Nawalpur P.S. Case No. 84 of 2024 for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, (Amended), 2016, lodged on 08.10.2024 by the informant, Vidyanand Kamat.

3. As per the prosecution story, the informant on secret information found a Pulsar bike with sac, intercepted and there is a recovery/seized by 87.120 litre foreign liquor which led to the F.I.R.

4. Learned counsel for the petitioner submits that the vehicle belongs to Vijay Prasad Kushwaha and only because of criminal antecedent, he has been implicated. Last submission is that without accepting the allegation and/or the outcome of the



present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, West Champaran for the purchase of Steel Benches for the Civil Court Campus of West Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned A.P.P. opposes the prayer for bail.

6. Considering the submissions put forward by the parties, as also the fact that he is in custody since 09.10.2024, the vehicle doesn't belong to him, he has undertaken to diligently appearing in the trial, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 10,000/- to the District Legal Services Authority, West Champaran for the purchase of Steel Benches for the Civil Court Campus of West Champaran Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the purchase be submitted to the Trial Court by the DLSA, West Champaran.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand only) with two sureties of like amount each to the satisfaction of learned Exclusive Special Court, Excise-II, Bettiah, West Champaran, in connection with Nawalpur P.S. Case No. 84 of 2024, subject to the following conditions:



(i) one of the bailors should be the family member/relative 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 fortnight 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 toe take steps for cancellation of their bail bonds.

(Rajiv Roy, J.)

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