

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2908 of 2024

Arising Out of PS. Case No.-74 Year-2020 Thana- KEWATI District- Darbhanga

Bipin Kumar Yadav Son of Late Dukhi Yadav Resident of Village- Medha,
P.S. Keoti, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Keoti P.S. Case No. 74 of 2020 lodged under Sections 30(a) of
Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, the F.I.R. has been
lodged against the owner and driver of the Santro Car from
which the total recovery of 170.250 liter wine has alleged to be
made in the name of one Pramod Kamti. During investigation,
the said Pramod Kamti has disclosed that he has sold the car to
the present petitioner due to which petitioner's name has figured
in this case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



further submits that petitioner is in custody since 05.09.2023 and there is two criminal case pending against him of same nature in which he is on bail. He further submits that charge sheet has already been filed in this case.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-1st Darbhanga, in connection with Keoti P.S. Case No. 74 of 2020, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor 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



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

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