

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70954 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- BHITAHA District- West Champaran

Gena Yadav S/o Late Banarsi Yadav R/o Village- Rupahi Yadav Tola, P.S.-
Bhitaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025

Heard the parties.

2. The petitioner is in custody in connection with Bhitaha P.S. Case No. 79 of 2024 for the offence under Section 30 (a) of the Bihar Prohibition & Excise Act, 2016 lodged on 06.07.2024 by the informant, Bande Prasad Yadav.

3. As per the prosecution story, the police intercepted a vehicle and recovered/seized 44 liters of country made liquor and 12 liters of English liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the motorcycle does not belong to him and further Rajkishore Baitha has been extended relief in Cr. Misc. No. 67999 of 2024.

5. Learned APP opposes the prayer for bail.

6. Taking into account the fact that the petitioner does not own the motorcycle, has remained in custody since



07.07.2024 (para 14 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge Excise Bagaha, West Champaran in connection with Bhitaha P.S. Case No. 79 of 2024 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 one year 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
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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