

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78399 of 2024

Arising Out of PS. Case No.-316 Year-2024 Thana- SIRDALA District- Nawada

Kaushal Yadav Son of Mahendra Yadav Resident Of Village- Bhalua Sem,
P.S.- Rajauli, Dist.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar Pandey, Advocate
Mr. Amit Ranjan, Advocate
For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-01-2025 Heard the parties.

2. The petitioner is in custody in connection with Sirdalla P.S. Case No. 316 of 2024 for the offence punishable under sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016 lodged on 25.08.2024 by the informant, Nagendra Paswan.

3. As per the prosecution story, the informant alleged that during the patrolling near the river, two motorcycles were found present. As the police arrived, the accused tried to escape but were apprehended and allegation is that from both the motorcycles, Honda Shine and Hero Splendor, there is/are recovery of 230 liters country made liquor and 20 liters respectively. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that he is a student, was near the river to take a bath, the Police arrived and to implicate, the present story, he has already suffered by being in custody since 25.08.2024 (paragraph-15 of the petition), only because of his criminal antecedents and if granted bail, will diligently appear in trial. The last submission is that Sadanand Kumar @ Sadanand Paswan (in Cr. Misc. No. 76243 of 2024) and Raju Manjhi/Subhodh Kumar (in Cr. Misc. No. 76408 of 2024) have been extended relief.

5. Learned APP opposes the prayer submitting that he was also part of the said vehicle.

6. Taking into account aforesaid facts as also that he has been in custody since 25.08.2024, similar situated co-accused persons have been granted bail and an undertaking has been given that he shall be diligently appearing in trial, in that background, 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 Exclusive Special Excise Court-I, Nawada, in connection with Sirdalla P.S. Case No. 316 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 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 to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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