

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3502 of 2019

Arising Out of P.S. Case No.-213 Year-2017 Thana- RAGHUNATHPUR District- Siwan

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MUKESH KUMAR YADAV @ MUKESH YADAV, male 24 years, son of
Umesh Yadav R/o Village- Dahabari, P.S.- Ander, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 25-01-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
19.07.2018 on remand, in connection with Raghunathpur
P.S.Case No.213 of 2017 for the offence alleged under Sections
272, 273, 308 of the Indian Penal Code and Sections 30, 38
and 41 of the Arms Act.

The prosecution case as lodged by the police
personnel is that on secret information the Scorpio vehicle
which was being driven by co-accused Rahul Singh was
intercepted and the petitioner was found sitting in the car. On
search from the car 120.960 liters of Indian Made Foreign liquor
was recovered. Accordingly, a seizure list was prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He further submits that chargesheet has already been submitted and there being no allegation of tampering with the prosecution witnesses. He further submits that there is no compliance of Section 100 of the Cr.P.C. as the copy of the seizure list has not been handed over to the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner is languishing in judicial custody since more than six months in the present case.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent is a habitual offender and six more cases out of which five under similar offence is pending against the petitioner.

Considering the facts and circumstances and the material on record as well as the period of custody, 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 in connection with Raghunathpur P.S. Case No.213 of 2017 to the satisfaction learned Additional Sessions



Judge-2nd -cum-Special Judge, Excise Siwan, subject to the following conditions:-

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(iii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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