

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9672 of 2019

Arising Out of PS. Case No.-241 Year-2017 Thana- RAGHUNATHPUR District- Siwan

AJAY YADAV Son of Surendra Yadav Resident of Village- Patarghata
Rigwan, Police Station- Maniyar, District - Balia (U.P.)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Raghunathpur P.S. Case No. 241 of 2017 registered for the offence punishable under Sections 272, 273 and 308 of the Indian Penal Code and Section 30/38 of the Bihar Prohibition & Excise Act.

Allegation against petitioner is of recovery of 1260 litres of foreign liquor from the bank of river.

It has been submitted on behalf of the petitioner that petitioner was not arrested on the spot nor he was found present at the place of occurrence. His name has surfaced on the basis of disclosure made by the local residents. Nothing incriminating material has been recovered from the possession of petitioner. It



has been further submitted that similarly placed co-accused, namely Raj Kishore Yadav has been granted bail by this Hon'ble Court as contained in Annexure-2. Petitioner has been remanded in this case on 04.01.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Excise, Siwan, in connection with Raghunathpur P.S. Case No. 241 of 2017 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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