

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10557 of 2019

Arising Out of PS. Case No.-671 Year-2018 Thana- JAYNAGAR District- Madhubani

DURGESH KUMAR YADAV, aged about 24 years, (Male) S/O Jhauli Yadav
@ Jholi Yadav Resident of Ward No.7 Laxmipur, P.O.- Datuar, P.S.- Kaluahi,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha, Adv.
For the Opposite Party/s : Mr. Sanjay Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-02-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Jai Nagar P.S. Case No. 671 of 2018, G.R. No.
1907 of 2018, registered for the offences punishable under
Sections 272, 273, 414, 34 of the Indian Penal Code and
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is alleged that from an auto rickshaw, 150 bottles
and from cane field 1350 bottles about 500 liters of illicit Nepali
liquor were recovered. The petitioner and one another persons
were traveling on the alleged auto rickshaw.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been



falsely implicated in this case. No incriminating articles has been recovered from the conscious possession of the petitioner. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 15.02.2019 passed in Cr. Misc. No. 9056 of 2019. Petitioner is in custody since 04.12.2018.

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 District and Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Jai Nagar P.S. Case No. 671 of 2018, G.R. No. 1907 of 2018, subject to conditions:

- (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 bonds.

(S. Kumar, J)

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