

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10514 of 2019

Arising Out of PS. Case No.-460 Year-2018 Thana- MAIRWAN District- Siwan

Shiv Kumar Yadav, aged about 26 years, Male, S/o Hridya Nand Yadav @
Hridaya Yadav, R/o Village - Phulwaria (Fulwaria), P.S- Mairwa, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai
For the Opposite Party/s : Mr. Ansar Ul Haque

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Mairwa P.S. Case No.460/2018 registered for the offence punishable under Sections 272, 273, 308/34 of the Indian Penal Code and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 216 litres illicit liquor from a Wagon Car which was being boarded by the petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner has criminal antecedent of similar nature and he is in custody since 25.11.2018.



Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail at this stage. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that **after completion of six months in custody**, the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge, 2nd -cum- Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No.460/2018, with following 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 properly 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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