

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19750 of 2019**

Arising Out of PS. Case No.-82 Year-2007 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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MAINEJAR YADAV Son of Late Ram Nand Yadav, Resident of Village-
Eklam (Hasuwa Ka Tola), P.S.- Nawatan, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramadhar Shekhar
For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-04-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 47(a) of the Bihar and Orissa Excise Act, 1915 registered in connection with C-II-82/2007.

3. It is submitted that the petitioner has been falsely implicated as far back as in the year 2007 for the offences alleged under Section 47(a) of the Bihar and Orissa Excise Act, 1915. It is stated however, that cognizance has been taken as recently as on 30.10.2017 and non-bailable warrant has been directed to be issued against the petitioner, leading to apprehension of arrest. The petitioner is an aged person of about 72 years. The recovery has not been made from his house, but from behind the house. The petitioner claims clean antecedents.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan,



in connection with C-II-82/2007, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
 - ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
 - iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
 - iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.
5. The provisional bail shall be confirmed upon verification that cognizance has been taken only on 30.10.2017 as claimed on behalf of the petitioner. In case the petitioner's claim fails upon verification, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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