

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79042 of 2018

Arising Out of PS. Case No.-380 Year-2018 Thana- NARPATGANJ District- Araria

Shankar Yadav, S/o Late Ramanand Yadav R/vill-Bhorhar ward no.13, P.S-
Phulkaha, Distt.-Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Nath Yadav, Adv.

For the Opposite Party/s : Mr.Sri Anil Prasad Singh (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 30-01-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in
connection with Narpatganj (Bathnaha) P.S. Case No. 380 of
2018 registered for the offences punishable under Section 30
(a) of the Bihar Prohibition and Excise Act, 2016.

Informant has alleged that while he was on Naka
Duty, two persons were coming with two sack on their head and
on seeing patrolling party succeeded to flee away and on
search of sack 54 liters of Nepali wine was recovered.

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 on basis of suspicion. Nothing
was recovered from his conscious possession. Petitioner is in



custody since 17.11.2018.

Petitioner is accused in another case of similar nature, as such, I am not inclined to grant bail to the petitioner at this stage. Accordingly, the prayer for bail is rejected at this stage.

However, after Six months of judicial custody the petitioner shall be enlarged on bail by the court below on 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 2nd -cum-Special Judge, Araria, in connection with Narpatganj (Bathnaha) P.S. Case No. 380 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.

Accordingly, this Criminal Miscellaneous is here by disposed of.

(S. Kumar, J)

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