

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 82567 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- LADANIA District- Madhubani

Ashok Yadav aged about 26 years, Gender Male, S/o Ram Shobhit Yadav R/o village- Yogia, P.S.- Ladaniya, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 12-12-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Ladaniya. P.S. Case No. 174 of 2019, corresponding to G.R. No. 1950 of 2019, registered for the offence under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of 159 liters of Napali liquor from a paddy field and it is alleged that petitioner and others have thrown the bottles of liquor after noticing the police party.

It is submitted on behalf of petitioner that petitioner has falsely been implicated in this case due to village politics and nothing has been recovered from his conscious possession. Petitioner has no concern either with said liquor or field. It is further submitted that mandatory provision of Section 100 Cr.P.C. has not been followed with respect to search and seizure.



There is also no allegation against the petitioner of tampering with the evidence and petitioner is in custody since 21-11-2019, having no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 174 of 2019, corresponding to G.R. No. 1950 of 2019, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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