

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1742 of 2020**

Arising Out of PS. Case No.-269 Year-2019 Thana- JAHANABAD District- Jehanabad

Bhuta Yadav @ Bhura Yadav Son of Bhudani Yadav @ Budani Yadav
Resident of Village - Punit Bigha, P.S.- Parasbigha, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 25-02-2020 Heard learned counsel for the petitioner and
learned A.P.P for the State.

The petitioner apprehends his arrest in **Excise Case No. 423 of 2019** arising out of **Jehanabad P.S. Case No. 269 of 2019**, registered for the offence punishable under Section 30(a) of the Bihar prohibition and Excise Act, 2018.

60 litres of country made liquor is said to have been recovered from a Tempo. The driver of the said tempo disclosed before the police that the recovered liquor was of Bhuta Yadav @ Bhura Yadav (petitioner) and Jitendra Yadav.

It is submitted that petitioner has falsely been implicated in this case. Name of this petitioner has come in this case on the basis of confessional statement of co-accused. Nothing has been recovered from conscious possession of this



petitioner. The said tempo does not belong to this petitioner. The provision of section 100 Cr.P.C has not been followed. Petitioner has got clean antecedent.

Considering the facts aforesaid, the petitioner above-named in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to 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 the learned **Additional Sessions Judge II, Jehanabad** in connection with **Excise Case No. 423 of 2019** arising out of **Jehanabad P.S. Case No. 269 of 2019**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(i) The petitioner shall co-operate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

vinita/-

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