

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3920 of 2020

Arising Out of PS. Case No.-566 Year-2019 Thana- JAYNAGAR District- Madhubani

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Dharmendra Yadav @ Dharmendra Kumar Yadav Son of Mahesh Yadav
Resident of Village- Yogiya, P.S.- Ladaniya, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 22-01-2020 Heard learned counsel for the petitioner and

Additional Public Prosecutor for the State.

The petitioner seeks bail in **Jaynagar P.S. Case No. 566 of 2019**, registered for the offence punishable under Sections Sections 272, 273 and 34 of the Indian Penal Code and sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

450 litres of country made liquor is alleged to have been recovered from seven motorcycles parked by the side of road. It is alleged that during raid, the petitioner along with other co-accused have fled away after seeing the police party from the said place.

It is submitted by learned counsel appearing on behalf of petitioner that petitioner has falsely been implicated in this case. Petitioner was not apprehended on the spot. Local Chowikdar has disclosed the name of this petitioner, as the



person who fled away from the place of recovery. Recovery has been made from the motorcycles which were parked on the public place. Nothing has been recovered from conscious possession of this petitioner. The provision of section 100 Cr.P.C has not been followed. Petitioner is in custody since 10.12.2019.

Considering the facts aforesaid, the petitioner above-named, 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 District and Sessions Judge -cum-Special Judge Excise Act, Madhubani** in connection with **Jaynagar P.S. Case No. 566 of 2019**, subject to the 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)

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