

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24046 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- DEODHA District- Madhubani

Madan Yadav Son of Mahavir Yadav Resident of Village - Usarahi, P.S.-
Deodha, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 17-09-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in Deodha P.S. Case No. 34 of 2020 (G.R.No. 449 of 2020), registered for the offence punishable under Sections 272, 273, 414 of the IPC and Section 30(a) of Bihar Prohibition and Excise Act 2016.

As per prosecution case, 135 litres of Nepali wine is alleged to have been recovered from the motorcycle of the petitioner.

It is submitted on behalf of the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner and he is no way related with the said recovery. Provisions of 100 Cr.P.C. has not



been followed with respect to search and seizure. Petitioner is in custody since 10-03-2020, having clean antecedent.

Considering the aforesaid facts, the petitioner above-named, is directed to be released 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 2nd Additional Sessions Judge cum Special Judge Excise Act, Madhubani in connection with Deodha P.S. Case No. 34 of 2020 (G.R. No. 449 of 2020), subject to following 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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