

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15547 of 2021

Arising Out of PS. Case No.-373 Year-2020 Thana- BAIRIYA District- West Champaran

Umesh Yadav about 25 years/Male, Son of Sri Harishankar Yadav Resident of
Village- Bargachhiya, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in Bairiya P.S. Case No. 373 of 2020, registered for the offence under Sections 413, 414/34 of the I.P.C. and Section 30(a) of Bihar Prohibition and Excise Act.

About 2 liters of illicit liquor has been recovered from the motorcycle of the petitioner.

It is submitted on behalf of petitioner that nothing has been recovered from conscious possession of the petitioner. Mandatory provision under Section 100 of the Cr.P.C. has not been followed. Petitioner is in custody since 08.08.2020.

Learned A.P.P. for the State has opposed the bail petition.



Considering the nature of allegation and period of custody, the bail petition of petitioner is allowed. Let the above named petitioner 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 learned Special Judge, Excise, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 373 of 2020, 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 below and shall remain physically present, as directed by the court below, 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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