

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19549 of 2021**

Arising Out of PS. Case No.-224 Year-2020 Thana- HARLAKHI District- Madhubani

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NARESH YADAV SON OF MAHENDRA YADAV R/O VILLAGE-
GANGAUR, P.S.- HARLAKHI, DISTRICT- MADHUBANI.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 13-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Brajendra Nath Pandey, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Harlakhi P.S. Case No. 224 of 2020
registered for the offences punishable under Sections 272, 273
and 34 and 30 (A) of Bihar Prohibition and Excise Amendment
Act, 2018.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant searched motorcycles on
which accused persons were coming carrying jute sacks and

recovered 135 litres of Nepali country made liquor and arrested accused persons including this petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor. The petitioner is in custody since 29.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the said motorcycle from which alleged illicit liquor has been recovered does not belong to this petitioner, the petitioner has remained in custody in connection with this case since 29.12.2020, he has no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II cum Special Judge (Excise Act) Madhubani in connection with Harlakhi P.S. Case No. 224 of 2020, subject to

the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.