

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49009 of 2021**

Arising Out of PS. Case No.-141 Year-2020 Thana- LAUKAHI District- Madhubani

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MUKESH YADAV Son of Digambar Yadav @ Digambar Prasad Yadav
Resident of Village- Narhiya Goth, P.S.- Laukahi, District- 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.Dr.Mrityunjaya Kr.Gautam, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Laukahi P.S. Case No. 141 of 2020, G.R. No. 947/2020 registered for the offences punishable under Sections 272, 273, 414/34 of the IPC and Sections 30(a), 41 of the Bihar Prohibition and Excise Act.

There is total recovery of 202.05 litres of illicit liquor from two vehicles.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits



that nothing has been recovered either from conscious possession of the petitioner or from his premises. It is further submitted that name of the petitioner has been transpired on the basis of confessional statement of co-accused Lalu Bharti. It is further submitted that co-accused Ramesh Yadav and Prashant Kumar Yadav @ Vicky Yadav have been granted bail by the co-ordinate Benches of this court vide order dated 15.04.2021 and 17.04.2021 passed in Cr. Misc. No. 5549 of 2021 and 7998 of 2021 respectively. Petitioner is in custody since 26.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries three criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, 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 Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani in connection with Laukahi P.S. Case No. 141 of 2020, G.R. No. 947/2020, subject to the following conditions:-

1. 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 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.

3. 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.

(Rajesh Kumar Verma, J)

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