

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.292 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- HARLAKHI District- Madhubani

RATAN KUMAR YADAV S/o Ram Chandra Yadav R/o Village- Balat, P.S.-
Basopatti, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Ms.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 08-03-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Madhuri Lata, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Harlakhi P.S. Case No. 159 of 2020 registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the Police Sub-Inspector got secret information regarding carrying of liquor by 7-8 persons on motorcycle. The informant reached at the given place and saw that the persons after parking the motorcycle started escaping and on chase two persons were apprehended including the petitioner. It is alleged that the informant seized six motorcycles along with 540



liters of illicit liquor in 12 bags tied on the motorcycles.

Learned counsel for the petitioner 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 alleged seized wine and seized motorcycles. It is submitted that the petitioner has no criminal antecedent and he has remained in custody in connection with this case since 15.09.2020.

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 petitioner has no concern with the alleged seized wine and he has also no concern with the seized motorcycle, he has no criminal antecedent and has remained in custody in connection with the present case for about six months, let the petitioner above named be released on bail on furnishing bail bond 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 -2nd cum Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 159 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to



the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

