

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2146 of 2021

Arising Out of PS. Case No.-190 Year-2020 Thana- LAUKAHI District- Madhubani

Siya Ram Yadav @ Siyaram Yadav S/O Late Hariram Yadav @ Harey Ram Yadav, Residents of Village Ward No. 7 Manraja Nagar Palika, Banauli, P.S Bode Barsain, District Saptari (Nepal).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-03-2021 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 learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Laukahi P.S. Case No. 190 of 2020 corresponding to G.R. No. 1248 of 2020 registered for the offences punishable under Section 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution story, while the informant was on Naka duty with his associates at Babali Chowk he saw a person was coming after crossing the Border taking something



in his hand, on asking to stop he tried to flee away, but on chase, he was arrested and he disclosed his name as petitioner. On search, a bag containing 76 bottles of 300 ml. each Nepali liquor (total 22 litres and 800 ml.) was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case on mere suspicion. Learned counsel submits that petitioner is in custody since 30.09.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case, wherein the petitioner has remained in jail in connection with this case since 30.09.2020, investigation against him is complete and it is his submission that if released on bail he would be ready to provide two local bailors having sufficient immovable property within the jurisdiction of the learned trial court and shall attend the trial on each and every date fixed in the matter, there being no submission on behalf of the State that the release of the petitioner is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 50,000/- (Rupees Fifty 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 Laukahi P.S. Case No. 190 of 2020 corresponding to G.R. No. 1248 of 2020, both the sureties shall be the local residents having sufficient immovable property within the jurisdiction of the learned court below, 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 in course of trial the petitioner shall attend the trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite cancellation of bail bond of the petitioner.



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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

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'.

