

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2820 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- ANDHRAMATH District- Madhubani

BRAHAMDEO YADAV SON OF RAM KRISHNA YADAV RESIDENT OF
VILLAGE JIROGA P.S ANDHRAMATH, DISTRICT-MADHUBANI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 09-03-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is in custody since 12.09.2020 in connection with Andhramath P.S. Case No. 116/2020 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act and Section 272/273 of the Indian Penal Code.

As per the prosecution case, 54 litres of Nepali country-made liquor was recovered from the possession of the petitioner.

It is submitted on behalf of the petitioner that nothing has been recovered from the possession of the petitioner and, in fact, the alleged recovery has been made from the sack which was lying besides the road and the petitioner was apprehended



on suspicion. It is further submitted that the petitioner has got clean antecedent and is in custody since 12.09.2020. Chargesheet has already been submitted in this case.

Considering the quantity of recovery and taking into consideration the period of custody, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Additional Sessions Judge II cum Special Judge, Excise Act, Madhubani in connection with Andhramath P.S. Case No. 116 of 2020, subject to 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 on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers 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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