

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4142 of 2021**

Arising Out of PS. Case No.-176 Year-2020 Thana- SONO District- Jamui

Nitish Yadav Son of Rajo Yadav R/O Village- Lalilewar, P.S.-Charkapathar
(Sono), District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Opposite Party/s : Mr.A.P.P.

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

2. 16-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Sono (Charkapathar) P.S.
Case No. 176 of 2020 (G.R. No. 2096 of 2020), registered for
the offence under Sections 272, 273 of the Indian Penal Code
and Sections 30(a)/41 of Bihar Prohibition and Excise Act.

As per the prosecution case, about 33 liters of foreign
liquor has been recovered from a plastic bag, which is alleged to
have been thrown away by this petitioner and one co-accused. It
is further alleged that after seeing the police party, both persons
i.e. petitioner and co-accused fled away from the spot.

It is submitted on behalf of petitioner that nothing has
been recovered from the conscious possession of petitioner and
petitioner has been made accused only on the basis of suspicion.
Petitioner has been remanded in this case on 09.10.2020.



Chargesheet has already been submitted.

Considering the aforesaid facts & circumstances and the fact that no recovery has been made from the possession of the petitioner, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-IInd, Jamui in connection with Sono (Charkapathar) P.S. Case No. 176 of 2020 (G.R. No. 2096 of 2020), on the following conditions:

“(1) Petitioner shall cooperate 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.”.

(Prabhat Kumar Singh, J.)

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