

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2489 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- ARWAL District- Jehanabad

UDAY SINGH @ UDAY YADAV Son of Mundrika Yadav Resident of
Village- Chiraiyatand, P.S.- Arwal, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Adv.

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Case No. 963/2021, arising out of Arwal P.S. Case No.
386/2021 registered for the offences punishable under Sections
30(a) and 37 (c) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, the informant and other
police official proceeded for conducting raid, they got
information that a person was selling liquor. They reached at the
place of occurrence and recovered total 25 liters of Mahua
liquor and the petitioner was arrested at the spot.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner is in custody since 01.11.2021 petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Jehanabad in Excise Case No. 963/2021 arising out of Arwal P.S. Case No. 386/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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