

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5409 of 2022

Arising Out of PS. Case No.-294 Year-2021 Thana- HARLAKHI District- Madhubani

Lekhu Yadav, S/o Sri Khatan Yadav, R/o village- Jatahi, P.S.- Jatahi, District-
Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ravi Ranjan, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Harlakhi P.S. Case No. 294 of 2021 for the
offences punishable under Sections 272, 273/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, it is alleged that on secret
information that some persons were coming from Nepal border
to India carrying some Sacks/Bora on their head, the SSB
personnel rushed towards the border pillar No. 284/05 and on
seeing the SSB personnel, some of the persons thrown the



sacks/bora carrying on their head and fled away, however, it is alleged that this petitioner was apprehended. It is further alleged that on search being made altogether 252 litres of Nepali Saufi along with bottles of bears were recovered from the sack/Bora.

It is submitted by the learned counsel appearing on behalf of the petitioner that nothing has been recovered from the person or possession of this petitioner and he has no concern with the alleged recovered illicit liquor. It is further submitted that the persons, who were responsible for carrying illegal liquor, in fact, have thrown the alleged liquor and fled away, however, this petitioner, who was a passerby, has been apprehended by the SSB personnel. It is further submitted that the petitioner is in custody since 14.11.2021 having fair antecedent, though the investigation of the crime is completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended by the SSB personnel.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the other persons, who were carrying Sacks/Bora, had fled away and this petitioner has been apprehended and is in custody since



14.11.2021 having fair antecedent, though the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Harlakhi P.S. Case No. 294 of 2021 subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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