

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5389 of 2022

Arising Out of PS. Case No.-186 Year-2021 Thana- MANSI District- Khagaria

Shyam Kishor Yadav @ Shyam Kishor Son Of Late Tarni Yadav R/O Village-
Rajajan, P.S.- Mansi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Binod Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mansi P. S. Case No. 186 of 2021
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that 45
litres country-made liquor was recovered from a tempo, which
was being driven by co-accused Bala Yadav. It is further alleged
that the said co-accused disclosed the name of the petitioner as
the owner of the recovered wine.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and moreover, the alleged recovery, which is said to have been made from a tempo, was being driven by co-accused Bala Yadav and he has already been granted bail by learned co-ordinate Bench of this Hon'ble court in Cr. Misc. No. 67926 of 2021 vide order dated 21.12.2021. A copy of which has been annexed as annexure 2 to this application. It is next submitted that this petitioner is in custody since 11.12.2021, having no criminal antecedent and moreover, the investigation of the crime has already been 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 apprehended person has disclosed the name of the petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and he is in custody since 11.12.2021, apart from that co-accused person on whose possession the alleged recovery has



been made, has already been granted bail by learned co-ordinate Bench of this Hon'ble court, let the petitioner, above named, 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 Special Judge Excise 1st Khagaria in connection with Mansi P. S. Case No. 186 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner 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)

shakir/-

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

