

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5673 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- LAKHNAUR District- Madhubani

Vidyanand Yadav, Son of Vaidhanath Yadav, Resident of Village- Maibi
Purwari Tol, P.S.- Lakhanaur, Dsitt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 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. Jitendra Kumar Bharti, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with in connection with Lakhanpur P. S. Case No. 198 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on a secret information that near the village Kachua one person was sitting with sacks, near the pond, containing illicit liquor, the police proceeded the alleged place and apprehended the



petitioner. It is further alleged that on search being made total 182.550 liters of country made liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that from perusal of the FIR it would manifest that the alleged recovery has been made from the sack, which was lying near the pond, and the petitioner was only apprehended on suspicion, though he has no concern with the alleged recovery. It is further submitted that the petitioner is carrying clean antecedent and he is in custody since 24.10.2021, though the investigation of the crime is already completed and the charge sheet has been submitted and moreover there is no compliance of any of the provisions of the Code of Criminal Procedure in preparation of seizure list.

On the other hand learned counsel for the State submits that the alleged recovery has been made from a sack, which was in possession of the petitioner, and as such he does not deserve the privilege of bail.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made near the pond, which was accessible to all and there is no other material which suggest the complicity of the petitioner in the present case and further this petitioner



having fair antecedent is in custody since 24.10.2021, though the charge sheet has been submitted in the case, 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 Lakhnaur P.S. Case No. 198 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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