

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5829 of 2022

Arising Out of PS. Case No.-213 Year-2020 Thana- BASOPATTI District- Madhubani

Jaynarayan Yadav S/o- Asarfi Yadav Resident of Village- Ghat Madhiya, P.S.-
Basopatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Vinod Kumar No.3, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in a case registered for

the offences punishable under Sections, 272, 273 of the Indian

Penal Code and Section 30(a) of the Bihar Prohibition and Ex-

cise Act.

Allegedly, 216 liter Nepali country made wine was re-

covered from a place situated near the petitioner's house.

The main submissions advanced by learned counsel

for the petitioner are that the alleged place of recovery was not

of the petitioner but the same is situated in the forest area as



clearly evidents from the seizure list and the same was accessible to the jungle people hence the alleged recovery of the wine can not be deemed to have been made from the conscious possession of this petitioner. Further submission is that the petitioner has been languishing in jail since 30.12.2021 and having clean antecedent.

Learned APP has opposed the prayer for bail.

Having considered the above submissions and considering the place of recovery mentioned in the seizure list in which it has been shown as a place situated near petitioner's house in small forest and also considering the petitioner's custody period and his clean antecedent mentioned in para 3 of the petition, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Bassopati P.S. case No. 213 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below 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 tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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