

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6201 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- BENIPATTI District- Madhubani

Gulab Yadav S/O Yogendra Sah R/o village- Rankataul Parkauli, P.S.- Arer,
District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, 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, 273/34 of Indian
Penal Code and Section 30(a, 41,44) Bihar Prohibition and Ex-
cise Act.

Allegedly from the house of co-accused Lila devi
279.750 litres country made wine kept in several bottles was re-
covered and petitioner was involved in the alleged crime.

The main submissions advanced by learned counsel
for the petitioner are that this petitioner was not arrested at the
spot and the alleged recovery of wine is stated to have been



made from the house of co-accused who did not disclose the name of this petitioner and he was not arrested at spot, petitioner's name surfaced in the statement of co-accused Shambhu Sah who has been granted bail and against the petitioner there are three criminal cases but he is already on bail in two cases.

Learned APP has opposed the prayer for bail.

In view of above submissions and considering the recovery of alleged wine being made from the house of co-accused and not from the conscious possession of this petitioner and the prosecution has not drawn the attention of this Court in respect of any legal evidence being against this petitioner connecting him to the alleged recovery of wine and the petitioner has been languishing in jail since 28.8.21 and he has taken plea that he has been released on bail in two cases which have been shown as his criminal antecedent, accordingly in the light of these facts a lenient approach can be taken in respect of the petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of like amount each to the satisfaction of concerned Court in connection with Benipatti P.S. case No. 160 of 2021 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 other than of three cases mentioned in this petition, 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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