

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12240 of 2022

Arising Out of PS. Case No.-291 Year-2021 Thana- LAUKAHI District- Madhubani

OM PRAKASH YADAV S/o Late Ghuran Yadav, R/o village- Narhiya, P.S.-
Laukahi, Distt.- Madhubani Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No.-II, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Laukahi P.S. Case No. 291 of 2021 lodged under Sections 272,
273/34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act.

As per the allegation, total 258 litres of Nepali
country made liquor were recovered from the vehicle. The
driver cum owner of the vehicle fled away from the spot but the
present petitioner has been caught red-handed from the vehicle.

Learned counsel for the petitioner submits that he is
not the owner of the vehicle. He further submits that the alleged
recovery has not been made from his conscious possession. He
further submits that he is in custody since 21.12.2021, charge
sheet has already been filed in this case and he has having clean
antecedent.

Learned A.P.P. opposes the prayer for bail.

In the present facts and circumstances of the case that the charge sheet has already been submitted in this case, petitioner is in custody since 21.12.2021 having clean antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Laukahi P.S. Case No. 291 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J.)

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