

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15149 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- RAJAOLI District- Nawada

Sudhir Yadav Son Of Jagdish Yadav @ Sundar R/O Village- Lohsighna, P.S.-
Akbarpur, District- Nawada

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defects(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Rajauli
P.S. Case No. 328 of 2021 registered for the offences punishable
under Sections 30(a), 30(d) of Excise Act.

As per prosecution case, there is alleged recovery of
40 litre country made mahua liquor, one motorcycle and other
apparatus which were used in preparing the liquor as well as
3000 litre java mahua near Job Dam and one co-accused Bhola
Prasad was arrested by the police who disclosed the name of
petitioner and others as fled away persons.

Learned counsel for the petitioner submits that



petitioner is in custody since 30.09.2021 and bears criminal history of four cases of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has no concern with the seized motorcycle. Neither petitioner was arrested on the spot nor anything has been recovered from his conscious possession and he has been falsely implicated in this case.

Learned A.P.P for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge-sheet has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not arrested on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court IInd, Nawada in connection with Rajauli P.S. Case No. 328 of 2021, subject to following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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