

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15434 of 2022

Arising Out of PS. Case No.-363 Year-2021 Thana- PHULWARIYA District- Gopalganj

Nagendra Yadav Son Of Bairistar Yadav @ Bayristaor Yadav Resident Of
Village - Majirawa Kala, Tola - Ghuthnaha, P.S.- Fulwariya, District -
Gopalganj.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(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 in virtual court proceeding.

The petitioner seeks bail in connection with Fulwariya
P.S. Case No. 363 of 2021 registered for the offences punishable
under Sections 182(a)(4), 177, 179 of Motor Vehicle Act and
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

As per prosecution case, there is alleged recovery of
630 litre country made liquor from two vehicles in question and
petitioner fled away from the spot. Co-accused disclosed the
name of the petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 21.12.2021 and bears eighteen criminal history out of which eleven cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner has no concern with the recovered liquor and he was not apprehended on spot. Nothing has been recovered from the physical conscious possession of the petitioner and the name of the petitioner has been falsely implicated in this case.

The 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 with the prosecution evidence and also taking into consideration that petitioner was not apprehended on the spot and the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No. - 1,



Gopalganj in connection with Fulwariya P.S. Case No. 363 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)

sanjeev/-

U		T	
---	--	---	--

