

**\IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15138 of 2022**

Arising Out of PS. Case No.-400 Year-2021 Thana- RAJAOLI District- Nawada

Bindeshwari Yadav S/O Mahavir Yadav @ Mahadev Yadav Resident Of
Village - Satgir, P.S. - Rajauli, District - Nawada.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 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 by virtual mode.

The petitioner seeks bail in connection with Rajauli P.
S. Case No. 400 of 2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
60 litre country made wine from a motorcycle in question and
the petitioner fled away from the spot whose identity has been
disclosed by the local residents of the village.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.10.2021 and bears six more



criminal history of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that alleged recovery has been made from a motorcycle in question and petitioner has no concern with the seized liquor as well as the seized motorcycle. Nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for the 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 and also taking into consideration 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 Exclusive Special Excise Court-2nd, Nawada in connection with Rajauli P. S. Case No. 400 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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