

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15222 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Arbind Kumar Yadav @ Arbind Yadav Son Of Nagina Yadav Resident Of
Village - Shankar Saraiya, P.S.- Turkauliya, District - East Champaran

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Ramesh Chandra

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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 Excise
Case No. 60 of 2022 registered for the offences punishable
under Sections 30(a), 41(i) of Bihar Prohibition and Excise Act,
2016.

As per prosecution report, there is alleged recovery of
1000 litre illicit liquor from trolley of tractor in question and
petitioner has been apprehended by police on the spot being
driver of said tractor.

Learned counsel for the petitioner submits that



petitioner is in custody since 28.01.2022 and bears no criminal antecedent. Prosecution report has already been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner has not committed any offence and he has falsely been implicated in this case due to suspicion. No incriminating article has been recovered from conscious or constructive possession of the petitioner.

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, keeping in view clean antecedent of petitioner, prosecution report 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court No,- 2, East Champaran at Motihari in connection with Excise Case No. 60 of 2022, 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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