

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15763 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- MEDNI CHAUKI District- Lakhisarai

Balram Kumar Son Of Kopal Yadav @ Popal Yadav Resident Of Village -
Navtoliya, P.S.- Mednichouki, Distt.- Lakhisarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha
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
Mednichouki P. S. Case No. 133 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per seizure list, there is alleged recovery of 110
litre country made liquor from chilly farm as well as mango
orchard of Kopal Yadav, and 55 litre country made liquor from
a dam and it is alleged that petitioner fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 24.12.2021 and bears two more



criminal antecedent. 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 chilly farm and mango orchard and petitioner has no concern with the seized liquor. Petitioner has no concern at all with the seized liquor in any manner and the name of the petitioner has been falsely implicated in this case. It is further submitted that petitioner was not apprehended on the spot.

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 with 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 Additional Session Judge V – cum – Exclusive Spl. Court 2, Lakhisarai in connection with Mednichouki P. S. Case No. 133 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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