

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15772 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- SAHEBPUR KAMAL District- Begusarai

Hareram Yadav S/O Devan Yadav R/O Village- Gyantol, P.S.-
Sahebpurkamal, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal

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 S. Kamal
P. S. Case No. 18 of 2022 registered for the offences punishable
under Section 414 of Indian Penal Code along with 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
505.800 litre foreign liquor from tractor in question and the
petitioner fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.01.2022 and bears no 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 petitioner was not apprehended on the spot and alleged recovery has been made from tractor in question. Petitioner is neither concerned with the seized liquor nor tractor in question belongs to the petitioner. 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, keeping in view the clean antecedent, charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence, petitioner is not apprehended 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 court of learned Special Judge, Excise Court-2 Begusarai in connection with S. Kamal P. S. Case No. 18 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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