

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16806 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- GWALPARA District- Madhepura

RAM CHANDRA YADAV @ RAMCHANDRA KUMAR YADAV Son of
Yashodhar Yadav @ Joshdhar Yadav Resident of Village- Khari, P.S.-
Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Excise Case No. 770 of 2021 arising out of Gwalpara P.S. Case No. 156 of 2021 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that during patrolling, the petitioner was found moving suspiciously on motorcycle and on seeing the police party, the petitioner fled away from the spot leaving behind his motorcycle. From the seized motorcycle about



50 liters of country made *mahua* liquor was recovered. On investigation, the police came to know that the escaped criminal was the petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely dragged in this case due to his criminal antecedent. It is not believable that in the darkness, the petitioner was identified by any persons. Nothing incriminating has been recovered from conscious possession of the petitioner who was not apprehended from the spot. The seized motorcycle does not belong to this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 06.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is having criminal antecedent.

Having regard to the rival submission and considering the fact that charge sheet has been submitted in this case and the petitioner is in custody for more than six months, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II Cum-Special Judge (Excise), Madhepura in connection with Excise Case No. 770 of 2021 arising out of Gwalpara P.S.



Case No. 156 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) If the petitioner is found indulging same type of offence again, the prosecution will be at liberty to move for cancellation of his bail.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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