

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18732 of 2022

Arising Out of PS. Case No.-183 Year-2019 Thana- NAUTAN District- West Champaran

GIRI YADAV @ BIRENDRA YADAV SON OF ASESHAR YADAV R/O
VILLAGE- WARD NO.-4, MADHUBAN BHAGWANPUR, P.S.- NAUTAN,
DISTRICT- WEST CHAMPARAN AT BETTIAH

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Nautan P.S. Case No. 183 of 2019 registered for the offences punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of 84.6 litres foreign liquor from the car in question. One co-accused namely Rahul Kumar was apprehended on the spot and disclosed the name of the petitioner who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 18.09.2021 and bears criminal antecedent of four cases in which two is of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel submits that nothing incriminating article has been recovered from the conscious possession of the petitioner.

The 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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and the petitioner was not apprehended on the spot 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 Special Judge Excise, Bettiah West Champaran in connection with Nautan P.S. Case No. 183 of 2019, 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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