

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19854 of 2022

Arising Out of PS. Case No.-28 Year-2020 Thana- PHULWARIYA District- Gopalganj

NAGENDRA YADAV Son of Bairister Yadav @ Bayristaor Yadav Resident
of Village - Majirawa Kala, Tola - Ghuthnaha, P.S.- Fulwariya, District -
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra

For the Opposite Party/s : Mr. Uday Pratap Singh

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
Fulwariya P.S. Case No. 28 of 2020 registered for the offences
punishable under Sections 30(a) of the Excise.

As per prosecution case, there is alleged recovery
of 3.2 litres country made liquor from the shop in question. The
apprehended co-accused namely Mantu Rai who disclosed the
name of the petitioner and the accusation against the petitioner
is to supply illicit liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.12.2021 and bears criminal antecedent of thirteen cases in which eight 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 further submits that nothing 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 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 Additional District Sessions Judge II cum Special Judge Excise Court No. 1, Gopalganj in connection with Fulwariya P.S. Case No. 28 of 2020, 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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