

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21960 of 2022

Arising Out of PS. Case No.-88 Year-2022 Thana- MADANPUR District- Aurangabad

ABHILESH YADAV S/o Mahendra Yadav R/o village- Laxman Bigha, P.S.-
Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-06-2022 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.

The petitioner seeks regular bail in connection with
Madanpur P.S. Case No. 88 of 2022 registered for the offences
punishable under Sections 30(a), 30(b), 30(c), 33 of Bihar
Prohibition and Excise Amended Act, 2018.

As per prosecution case, it is alleged that petitioner
was engaged in the business of illegal selling of country made
liquor along with other co-accused against whom 420 litre
country made liquor has been seized from the house of co-
accused Pankaj Paswan.

Learned counsel for the petitioner submits that



petitioner is in custody since 28.02.2022 and bears criminal antecedent of four cases of similar nature. He further submits that nothing has been recovered from the possession of the petitioner rather the recovery has been made from the house of co-accused Pankaj Paswan. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that having similar allegation, co-accused Sudhir Kumar has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 20482 of 2022.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody 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 1st, Aurangabad in connection with Madanpur P.S. Case No. 88 of 2022, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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