

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22052 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- RAJAOLI District- Nawada

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UMESH YADAV @ UMESH PRASAD Son of Krish Yadav @ Ram Briksha
Yadav Resident of Village - Bhandra, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijendra Kumar

For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2022 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 bail in connection with Rajauli

P.S. Case No. 352 of 2021 registered for the offences punishable

under Sections 30(a) (d), 37(c), 41 of the Bihar Prohibition and

Excise Act.

As per prosecution case, it is alleged that 100 litre

country made mahua wine was recovered near the furnace. It is

further alleged that two co-accused persons were apprehended at

the spot and petitioner and some other accused fled away. Their

names were disclosed by the apprehended accused persons as

well as villagers standing nearby.



Learned counsel for the petitioner submits that petitioner is in custody since 31.01.2022 and bears criminal antecedent of two cases of similar nature. He further submits that petitioner is quite innocent and has been falsely implicated in this case only on previous cases in the record of police station. Nothing has been recovered from possession of the petitioner nor he was found at the place of occurrence in course of manufacturing the said wine. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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 Court No. 2, Nawada in connection with Rajauli P.S. Case No. 352 of 2021, 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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