

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23150 of 2022

Arising Out of PS. Case No.-149 Year-2021 Thana- SIWAIPATTI District- Muzaffarpur

Ashok Yadav S/O Nand Lal Rai R/O Village- Chhitra, P.S.- Siwaipatti,
District- Muzzaffarpur

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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
Siwaipatti P.S. Case No. 149 of 2021 registered for the offences
punishable under Sections 272, 273 120(B)/34 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 105 litre spirit from a car in question and five co-accused
have been apprehended on spot. Co-accused Rakesh Kumar
disclosed that petitioner and co-accused Rakesh kumar used to
sell spirit to others for making liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 23.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was not apprehended on spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The name of the petitioner has been falsely implicated in this case on the basis of confessional statement of co-accused. It has been further submitted that petitioner is neither owner nor the driver of the seized vehicle in question.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner has not been apprehended on spot and the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Excise Court No 1, Muzaffarpur in connection with
Siwaipatti P.S. Case No. 149 of 2021, 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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