

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24240 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BALIYA District- Begusarai

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ASHOK YADAV SON OF LATE AYOUDHYA PRASAD YADAV R/O
VILLAGE- BARI BALLIA, P.S.- BALLIA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad
For the Opposite Party/s : Mr.Sucheta Yadav

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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.

The petitioner seeks bail in connection with Ballia

P.S. Case No. 105 of 2021 registered for the offences punishable

under Sections 30(a) of the Bihar Prohibition and Excise

Amendment Act.

As per prosecution case, there is alleged recovery

of 2427.48 litres of foreign liquors from Bolero, Magic car and

the field of one Md. Aazam. Petitioner fled away from the place

of occurrence. Name of present petitioner is disclosed by

apprehended co-accused Robbin.

Learned counsel for the petitioner submits that



petitioner is in custody since 25.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. The alleged vehicles are not of the petitioner. The petitioner has no concern with the co-accused.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration 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 Special Judge, Excise Court 2, Begusarai in connection with Ballia P.S. Case No. 105 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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