

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23211 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- AKBARPUR District- Nawada

1. Shankar Yadav @ Shankar Kumar S/O Rambalak Yadav R/O Village- Chetabigha, P.S.- Akbarpur, District- Nawada
2. Amirak Yadav S/O Late Harihar Yadav R/O Village- Akbarpur, Chaud Dargah, P.S.- Ariari, District- Sheikhpura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Surendra 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 petitioners and learned A.P.P. for the State in virtual court proceeding.

The petitioners seek bail in connection with Akbarpur P.S. Case No. 45 of 2022 registered for the offences punishable under Sections 30(a) and 30(d) of the Bihar Excise Act, 2016.

As per prosecution case, there is alleged recovery of 75 litre illicit country made liquor from the Rajadevar village Petitioners are apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 02.02.2022. Petitioner no. 1 bears criminal history of five cases of similar nature and petitioner no.2 has 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 nothing incriminating has been recovered from the conscious possession of the petitioners. Seizure list has not been prepared as per law.

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

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 no. 2 above named who has clean antecedent be released on bail and petitioner nor. 1 above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge 1st, Nawada in connection with Akbarpur P.S. Case No. 45 of 2022, 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) Petitioners 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 petitioners tamper 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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