

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25082 of 2022

Arising Out of PS. Case No.-309 Year-2021 Thana- DHURAIYA District- Banka

NIKKI YADAV Son of Abdhesh Yadav Resident of Village - Sujal Kuma,
P.S.- Rajoun, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2022 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
Dhoraiya P.S. Case No. 309 of 2021, Special
Excise/Registration No. 1035 of 2021 registered for the offences
punishable under Sections 30(a)/32(ii) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 149.400 litres illicit liquor from car in question. Apprehended
co-accused Chhotu Kumar disclosed the name of persons who
fled away as petitioner and other co-accused.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.12.2021. 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. The name of present petitioner is dragged in this case on the basis of confessional statement of co-accused Chhotu Kumar. Neither the car nor the illicit liquor belongs to the petitioner. There is no compliance of Section 100 Cr.P.C.

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 Additional District and Sessions Judge-2nd-cum-Special Judge, Excise, Banka in connection with Dhoraiya P.S. Case No. 309 of 2021, Special



Excise/Registration No. 1035 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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