

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25888 of 2022

Arising Out of PS. Case No.-146 Year-2021 Thana- NIRMALI District- Supaul

VIKASH YADAV S/o Vidyanand Yadav R/o village- Rasuar Kyotapatti, P.S.-
Supaul Nadi, District- Supaul (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Shanu
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner has filed
supplementary affidavit for necessary correction in prayer
portion of the bail petition.

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 Nirmali
P.S. Case No. 146/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 1464 liters foreign liquor from the truck in question and
also from the bush of orchard. The petitioner was not
apprehended on the spot and local people identified the fled



away persons including the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner has been sprang up in this case on the disclosure of the local people. He further submits that it is not mentioned by the police who among the so called witness/local people saw the petitioner and others, specifically the petitioner was running away and who recognized them. It shows that how police has wrongly involved this petitioner in this case. He further submits that the petitioner is a farmer and only earning person in his family. The petitioner is languishing in custody since 07.03.2022 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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 was not apprehended on the spot, charge sheet has already been submitted 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 Sessions Judge-V cum Special Judge, Excise, Supaul in connection with Nirmali P.S. Case No. 146/2021, 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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