

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27668 of 2022

Arising Out of PS. Case No.-345 Year-2020 Thana- NAUTAN District- West Champaran

Hareram Yadav, S/o Pundeo Yadav, R/o village- Baira Parsauni, P.S.- Nautan,
District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 345 of 2020 registered
for the alleged offences under Sections 413, 414 of the Indian
Penal Code and Sections 30, 30 (a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case is that the police received secret
information that the petitioner and other co-accused persons
have been carrying illicit liquor on stolen motorcycles and they
were asked to stop but they fled away from the spot leaving



behind their motorcycles and about 452.520 liters of illicit India made foreign liquor was recovered from the motorcycles.

The learned counsel for the petitioner submits that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has been identified as the person who escaped by the local *Chaukidar*. As no recovery of stolen article has been made from the petitioner, there would be no application of Sections 413 and 414 of the I.P.C. Similarly, in absence of recovery of illicit liquor, no offence under Sections 30 and 30(a) of the Bihar Prohibition and Excise Act, 2016 is made out. Learned counsel further submits that charge-sheet has been submitted in this case. The petitioner is having criminal antecedents and is accused in five other cases. The petitioner is in custody since 21.02.2022.

Learned A.P.P. opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and nothing incriminating has been recovered from his person or possession and further considering the fact that the charge-sheet has been submitted and taking into



consideration the period of detention, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah (West Champaran) in connection with Nautan P.S. Case No. 345 of 2020, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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