

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26979 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- DHANAHA District- West Champaran

Jitendra Yadav @ Dharmendra Yadav Son of Tej Pratap Yadav Resident of
Village - Madhubani, p.S.- Dhanaha, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Randheer Kumar, Advocate.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Randheer Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Dhanaha P. S. Case No. 14 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information, apprehended a boat and on search, 302.4 litres of illicit liquor was recovered. It is further alleged that on noticing the Police party all other miscreants



succeeded in fleeing away, however, one Bhikhari Yadav was apprehended by the Police, who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and his name was disclosed by the apprehended person, namely Bikhari Yadav, who has already been granted bail by this Hon'ble Court in Cr. Misc. No. 31970 of 2021 vide order dated 10.12.2021. A copy of which has been annexed as annexure 3 to this application. It is lastly submitted that this petitioner himself surrendered on 13.01.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has been disclosed by co-accused person, who has already been granted bail by this Hon'ble Court and nothing has been recovered from person or possession of this petitioner, moreover, he is in custody since 13.01.2021, having a man of



fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Bagaha, West Champaran in connection with Dhanaha P. S. Case No. 14 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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