

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27699 of 2022

Arising Out of PS. Case No.-470 Year-2021 Thana- WARISLIGANJ District- Nawada

SHIBDANI YADAV SON OF LATE NARESH YADAV @ VISHNU
YADAV R/O VILLAGE- MAFI, P.S.- - WARISALIGANJ, DISTRICT-
NAWADA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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
Warisaliganj P.S. Case No. 470 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 13 litre country made wine from the place of raid and 2000



litre half prepared country made wine was destroyed by the team. The name of the petitioner has been surfaced on the basis of secret information.

Learned counsel for the petitioner submits that petitioner is in custody since 26.02.2022 and bears no criminal antecedent. Nothing has been recovered from possession of the petitioner. Recovery has been made from an open place. Petitioner was not apprehended on the spot. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. Seizure list has not been made as per law.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted, clean antecedent of 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 Special Excise Court No. 2, Nawada in connection with Warisaliganj P.S. Case No. 470 of 2021, subject to following conditions:-



(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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