

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27502 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- LADANIA District- Madhubani

RADHEY SHYAM YADAV S/o Rabinandan Yadav Resident of Village-
Yogia, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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. Ravi Prakash, learned counsel for the petitioner as well as Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ladaniya P. S. Case No. 38 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



S.S.B. Personnel was on patrolling duty, in the meantime, the petitioner was riding on a motorcycle, intercepted and on search being made total 135 litres Nepali Soufi wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner, only on account of some altercation, which was taken place between the petitioner and the SSB personnel, the name of the petitioner has been implicated in this case. It is further submitted that the petitioner has neither any concern with the alleged seized motorcycle nor with the recovered illicit wine. It is next submitted that the petitioner is in custody since 09.02.2022 and apart from the present case, he has been implicated in a similar case of Excise Act, wherein the petitioner has already been granted bail.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 09.02.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of commencement of trial



in near future, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Ladaniya P. S. Case No. 38 of 2022, 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.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall



take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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