

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29225 of 2022

Arising Out of PS. Case No.-216 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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BITTU YADAV @ BITTU KUMAR S/o Arvind Yadav @ Khen Yadav
Resident of Village- Bhadoul, Ward No.2, P.S.- Madhepura, District-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Jubair Ansari

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Excise

Act Case No. 216 of 2021 arising out of Excise Case No. 412 of

2020-2021 registered for the offences punishable under Sections

30(a) of the Bihar Prohibition and Excise (Amendment) Act,

2018.

As per prosecution case, total 124.560 litres

foreign liquor was recovered from the vehicle in question. The

independent witness namely Nilu Kumari disclosed the name of

petitioner and others who fled away.



Learned counsel for the petitioner submits that petitioner is in custody since 02.11.2021. Petitioner bears criminal antecedent of three cases in which two cases are of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has no concern with the recovered liquor. Petitioner is not the owner of the car. The petitioner was not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner.

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 is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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 District and Sessions Judge-IVth-cum-Special Judge, Excise Madhepura in connection with



Excise Act Case No. 216 of 2021 arising out of Excise Case No. 412 of 2020-21, 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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