

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28194 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- AKBARPUR District- Nawada

AJAY YADAV Son of Sahdev Yadav @ Satyadev Yadav Resident of Village -
Nandlal Bigha, P.S.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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 Akbarpur
P.S. Case No. 45/2022 registered for the offences punishable
under Sections 30(a), 30(d) of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery of
total 75 liters Chulai liquor near the boring situated on the land
of the present petitioner. Apprehended persons disclosed the
name of petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been prepared as per law. He further submits that the said land from whom recovery has been made was open place which can be accessed by anyone. The petitioner is languishing in custody since 28.02.2022 and bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and 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 Exclusive Special Excise Judge-1st, Nawada in connection with Akbarpur P.S. Case No. 45/2022, 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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