

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28600 of 2022**

Arising Out of PS. Case No.-459 Year-2021 Thana- PHULPARAS District- Madhubani

Jhabbar Yadav @ Jhabbar Yadav Son of Gunjan Yadav Resident of Village-
Phulkahi, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Khurshid Anwar

**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 Phulparas
P.S. Case No. 459/2021 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act.

As per prosecution case, there is alleged recovery of
total 639 liters foreign liquor from Bumboo cottage of the
petitioner. The petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case due to dirty village politics. The petitioner was not



apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was no concern with the seized liquor. The Bumboo cottage from whom recovery was made is open place at the road. The petitioner is languishing in custody since 09.03.2022 and bears no criminal antecedent. 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 keeping in view 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 Court Special Judge, Excise Act, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No. 459/2021, 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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