

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29124 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- HARLAKHI District- Madhubani

1. JITU YADAV S/o Raj Kishore Yadav,
2. Mukesh Yadav S/o Budhan Yadav,
Both R/o village- Gangaur, P.S.- Harlakhai, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha
For the Opposite Party/s : Mr.A.G.

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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Harlakh P.S. Case No. 108/2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of total 138 liters Nepali liquor from three motorcycles in question. The petitioners were apprehended on the spot.

Learned counsel for the petitioners submits that



petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners were neither concerned with the seized motorcycles nor alleged seized liquor. The petitioners were arrested in running position from the place of occurrence, whereas they are the persons of local are of the same village and the police arrested them on the basis of suspicion only. The petitioners are languishing in custody since 27.04.2022 and bear no criminal antecedent. He further submits that the seizure list has not been prepared as per law. 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 petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioners and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-2nd cum Special Judge,



Excise, Madhubani in connection with Harlakhi P.S. Case No.
108/2022, 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) Petitioners 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 petitioners tamper 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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