

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30751 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- NAUTAN District- West Champaran

Harendra Yadav Son Of Sipahi Yadav Resident Of Village- Maruahan ,
Maduaha , P.S- Nautan , Dist- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 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. Bal Govind Sharma, learned counsel for the petitioner as well as 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 Nautan P. S. Case No. 43 of 2022 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, intercepted a tractor, however, on noticing the police party, the driver of the tractor succeeded



in fleeing away and the petitioner, who was sitting on the tractor was apprehended. It is further alleged that on search being made altogether 284.04 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the alleged seized tractor nor with the illicit wine. It is further submitted that the petitioner without having knowledge as to what was being carried in the tractor/trolley has taken lift over the same and in the meantime, he was apprehended by the police. It is next submitted that the petitioner having fair antecedent, is in custody since 29.01.2022, apart from the fact that there are other infirmities in preparation of the seizure list.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner having fair antecedent, is in custody since 29.01.2022 and he has neither any concern with the alleged seized vehicle nor with the illicit wine, 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 Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P. S. Case No. 43 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.

(Harish Kumar, J)

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