

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30913 of 2022

Arising Out of PS. Case No.-142 Year-2022 Thana- PATRAKARNAGAR District- Patna

BABLU KUMAR YADAV S/o Mundev Yadav R/o village- Kauahitola,
Barhra, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad

For the Opposite Party/s : Mr.Meena Singh

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 in virtual court proceeding.

The petitioner seeks bail in connection with
Special Case No. 1654 of 2022 arising out of Patrakarnagar P.S.
Case No. 142 of 2022 registered for the offences punishable
under Sections 30(a)(b)(c)(d), 32(1)(2), 33, 34(b)(iv), 36, 41(i)
(ii), 47, 56 of the Bihar Prohibition and Excise Amendent Act,
2018.

As per prosecution case, there is alleged recovery
of 750 ml wine from the scooty in question. The petitioner was
apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 21.03.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has committed no offence.

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

Considering the facts and circumstances of the case, period of custody, **keeping in view clean antecedent of petitioner**, charge sheet has been submitted in the case 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Patna in connection with Special Case No. 1654 of 2022 arising out of Patrakarnagar P.S. Case No. 142 of 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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