

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29629 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- ARER District- Madhubani

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Ashok Kumar Yadav, Son of Rajendra Yadav Alias Rajender Yadav, Resident
Of Village - Soathgoun, P.S.- Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Arer P.S. Case No. 71 of 2021 corresponding to G.R. No. 1459 of 2021, registered for the alleged offences under Sections 272, 273 and 34 of the Indian Penal Code and Section 30 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, 25.08 litres of Nepali country made liquor was recovered from an abandoned bag. The local persons told the police that they tried to apprehend the



liquor smuggler who fled away from the spot leaving behind the bag containing the liquor.

The learned counsel for the petitioner submits that the petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. Except for suspicion, there is nothing against this petitioner who was named in this case on the basis of his confessional statement. Nothing of any substance came up against this petitioner during the course of investigation. The petitioner is in custody since 05.04.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and has been named in five criminal cases.

Having regard to the submissions made hereinabove and considering the recovery of liquor from an abandoned bag from an open place and further considering the period of his custody along with the submission of charge-sheet in this case, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge, Excise Act,



Madhubani, in connection with Arer P.S. Case No. 71 of 2021 corresponding to G.R. No. 1459 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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