

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30980 of 2022

Arising Out of PS. Case No.-73 Year-2022 Thana- JAYNAGAR District- Madhubani

SHANKAR KUMAR YADAV Son of Jagdish Yadav Resident of Village -
Sara Mohanpur, P.s.- Sadar, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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
Jaynagar P.S. Case No. 73 of 2022, G.R. No. 386 of 2022
registered for the offences punishable under Sections 414 of the
Indian Penal Code read with Section 30(a) of Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, accusation against the
petitioner is that he was carrying liquor on a motorcycle from
Nepal. There is alleged recovery of 29.250 litres foreign liquor
and the petitioner was apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 13.03.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner had gone to attend funeral function of his relative and when he was returning from there in between a person fled away by turning his motorcycle but his sack fell down on the road and at the meantime petitioner reached there so the police began to interrogate about the sack to the petitioner. There is no compliance of provisions of Section 100 Cr.P.C. in making seizure list.

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

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted 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 A.D.J.-IInd, Special Judge (Excise Act),



Madhubani in connection with Jaynagar P.S. Case No. 73 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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