

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29270 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- BARAHAT District- Banka

SUBHAS YADAV Son of Adhik Yadav Resident of Village - Balha, P.s.-  
Parbatta, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

**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. 155 of 2022 arising out of Barahat P.S. Case  
No. 36 of 2022 registered for the offences punishable under  
Sections 30(a) and 32(2) of the Bihar Prohibition and Excise  
Amendment Act, 2018.

As per prosecution case, there is alleged recovery  
of 205.56 litres foreign liquor from the Bolero in question. The  
petitioner and other co-accused were apprehended on the spot.

Learned counsel for the petitioner submits that  
petitioner is in custody since 10.02.2022 and bears no criminal



antecedent of one case of similar nature. 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 he has falsely been implicated in the present case merely on the basis of suspicion at the instance of his enemies.

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 Additional District and Sessions Judge II, Banka in connection with Special Excise 155 of 2022 arising out of Barahat P.S. Case No. 36 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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