

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29836 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- NAUTAN District- West Champaran

HARERAM YADAV SON OF PUNDEO YADAV R/O- VILL- BAIRA
PARSAUNI, P.S.- NAUTAN, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr.Parmanand Kumar, APP

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 Nautan
P.S. Case No. 200 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 12.75 litres foreign liquor from the motorcycle in question.
The local people surfaced the name of the petitioner who fled
away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 21.03.2022 and bears criminal



antecedent of six cases in which five is 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 has no concern with the recovered illicit liquor or with the seized motorcycle.

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, 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No. 200 of 2021, 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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