

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30056 of 2022

Arising Out of PS. Case No.-160 Year-2020 Thana- PIRI BAZAR District- Lakhisarai

Kapil Yadav Son of Baudhu Yadav Resident of Village - Lahsorwa, P.S.- Piri Bazar, District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Section 30(a)(b)(c) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of total 10 liters of Chulai Mahua liquor, 01 aluminum Tasla, 02 Tashla with Aluminum Pipe (Bhabhka) and 60 tub of fermented Mahua.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner



has been transpired on the basis of disclosure made by the local Chowkidar. He further submits that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the open field of co-accused namely, Dwarika Yadav. He further submits that petitioner has no concern with the alleged recovery and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 04.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Piribazar P.S. Case No. 160 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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