

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32117 of 2022

Arising Out of PS. Case No.-133 Year-2021 Thana- ARER District- Madhubani

GURUDEV YADAV Son of Laxmi Yadav Resident of Village-Parkauli, P.S.-
Arer, District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Arvind Kumar Pandey,App,84

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-08-2022 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.

The petitioner seeks bail in connection with Arer P.S.
Case No. 133 of 2021 registered for the offences punishable
under Sections 272, 273/34 of Indian Penal Code read with
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act.

As per prosecution case, there is alleged recovery of
153.81 litres foreign liquor from the place of occurrence. The
petitioner alongwith others fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 10.03.2022. 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 nothing has been recovered from the possession of the petitioner. The alleged liquor has been recovered from the asbestos built house of co-accused Mithilesh Yadav. The petitioner has no concern with the alleged recovered liquor. The petitioner is not apprehended on spot. Name of petitioner has been transpired in this case on secret information. There is no compliance of Section 100 of the Cr.P.C.

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, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioners 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 Sessions



Judge – II-cum-Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 133 of 2021 corresponding to G.R. No. 2537 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 tamper 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)

amitkr/-

U		T	
---	--	---	--

