

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34225 of 2022

Arising Out of PS. Case No.-58 Year-2022 Thana- SIKARHATTA District- Bhojpur

1. LALLU YADAV SON OF MITHILESH SINGH @ MITHLESH SINGH
RESIDENT OF VILLAGE- SEDAHA, POLICE STATION- TARARI,
DISTRICT- BHOJPUR
2. NANDAN KUMAR @ NANDAN YADAV SON OF MAHATMA
CHOUDHARY RESIDENT OF VILLAGE- SEDAHA, POLICE STATION-
TARARI, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Sikarhatta P.S. Case No. 58 of 2022 registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 120 litres country made mahua liquor from the motorcycle in
question. Petitioners are apprehended on spot.

Learned counsel for the petitioners submits that



petitioners are in custody since 07.04.2022. Petitioner no. 1 bears criminal antecedent of one case, however, petitioner no. 2 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 conscious possession of the petitioners. The petitioners have no concern either with the alleged seized liquor.

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, 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 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 11th Bhojpur at Ara-cum-Exclusive Special Excise Court 2nd, District Bhojpur in connection with Sikarhatta P.S. Case No. 58 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) Petitioners 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 petitioners 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)

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