

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34521 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- PIRI BAZAR District- Lakhisarai

KAPIL YADAV SON OF BAUDHU YADAV Resident of Village- Lahsorwa,
P.S.- Piri Bazar, District- Lakhisara

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan

For the Opposite Party/s : Mr.A.G

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 petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Piribazar P.S. Case No. 197 of 2021 registered for the offences
punishable under Sections 30(a)(b)(c) of the Bihar Prohibition
and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 10 litres of Mahua liquor from the place of occurrence.
Petitioner fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 26.03.2022. Petitioner bears five
criminal antecedent out of which four cases are of similar



nature. 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 petitioner. Petitioner was neither present at the place of occurrence nor has any concern with the recovered Mahua liquor. There is no complication of Section 100(7) of the Code of Criminal Procedure. Petitioner is not apprehended on spot. Name of petitioner has been transpired on the basis of secret information.

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 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 Additional District and Sessions Judge-IV-cum-Special Excise Court – I, Lakhisarai in connection with Piribazar P.S. Case No. 197 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)

amitkr/-

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

