

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36443 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- JOGAPATTI District- West Champaran

BALA YADAV @ BALAK YADAV S/O KANAHI YADAV Resident of
Village- Lalgadh, P.S.- Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Nand Kumar

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 in virtual court proceeding.

The petitioner seeks bail in connection with
Yogapatti P.S. Case No. 469 of 2021 registered for the offences
punishable under Section 414 of the I.P.C. and Section 30(a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 110.985 litre illicit foreign liquor from the tempo in question
and the apprehended co-accused Shailesh Bharti disclosed the
name of the petitioner who fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 31.01.2022 and bears criminal



antecedent of three cases in which two cases are of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from possession of the petitioner. Petitioner is not owner of seized tempo.

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, petitioner is not apprehended on the spot, 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 Special Judge, Excise, Bettiah, West Champaran in connection with Yogapatti P.S. Case No. 469 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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