

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36970 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- LAUKAHI District- Madhubani

Amresh Kumar Yadav Son Of Satyanarayan Yadav R/O- Vill-Piprahi, P.S.-
Laukahi, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Jitendra Kumar Bharti, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Laukahi (Naraiya O.P.) P. S. 36 of 2022 registered for the offences punishable under Sections 272 and 273 read with 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, it is alleged that while the petitioner along with other accused persons were coming on



a motorcycle, they were apprehended by the police. On search, total 52.500 litres Nepali liquor was recovered from their possession.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of this petitioner and only on account of some altercation, which took place between the petitioner and the police personnel, his name has been implicated in this case showing the recovery from his possession. It is next submitted that the petitioner was merely a pillion rider and he has neither any concern with the motorcycle nor with the alleged recovered wine. It is further submitted that because of the past criminal antecedent, his name has been implicated in this case. It is last submitted that the petitioner is in custody since 21.02.2022 and moreover, there is no compliance of Section 100 of the Cr.P.C.

On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from the joint possession of co-accused Phul Yadav and the petitioner and moreover, the petitioner has



no concern with the motorcycle, in question, and he is in custody since 21.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise Act, Jhanjhapur, District Madhubani in connection with Laukahi (Naraiya O.P.) P. S. 36 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

shakir/-

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

