

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36788 of 2022

Arising Out of PS. Case No.-223 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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YOGENDRA RAI Son of Late Sitaram Rai @ Sitaram Prasad R/o Village-
Mahiya Bariyarpur, P.S.-Pipra Kothi, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate.

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP.

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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. Madhurendra Kumar, 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 Excise P. S. Case No. 223 of 2022
registered for the offences punishable under Section 30 (a), 38
and 41(1) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that 600
litres of hooch was recovered from different motorcycles and



Bolero Pick-up van. It is also alleged that petitioner was apprehended at the spot.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R. it is evident that nothing has been recovered from the possession of the petitioner rather the alleged recovery has been made from the vehicles in question, which do not belong to the petitioner. It is next submitted that the petitioner, having fair antecedent, is in custody since 28.03.2022, apart from the fact there is no compliance of Section 100 of the Cr.P.C. and moreover, after completion of the investigation, charge sheet has been submitted.

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 nature of allegation that the recovery has been made from the vehicles in question, which do not belong to the petitioner and moreover, he is in custody since 28.03.2022, having fair antecedent, 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



Exclusive Special Excise Court No. 2, East Champaran,
Motihari in connection with Excise P. S. Case No. 223 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.

(Harish Kumar, J)

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