

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37248 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- HARLAKHI District- Madhubani

Laxman Yadav, Son Of Dukhran Yadav, Resident Of Village- Mangpatti, P.S.-
Harlakhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Harlakhi P.S. Case No. 19 of 2022 registered
for the alleged offences under Sections 272, 273/34 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, the recovery of 198 liters of
Nepali country made liquor was made from the co-accused
persons who were carrying the same on their heads in sacks.
During investigation, the name of the petitioner came up as an



accused who was also involved in the illicit trade of liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has got no concern with the allegedly seized liquor. The co-accused persons, who have been apprehended from the spot, have been granted bail by a Coordinate Bench of this Court vide order dated 14.06.2022 passed in Cr. Misc. No. 9664 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 02.06.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not arrested from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise Act, Madhubani, in connection with Harlakhi P.S. Case



No. 19 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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