

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37438 of 2022**

Arising Out of PS. Case No.-123 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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Satendra Kumar Yadav, Son of Ram Bilas Ray Yadav, R/O Village- Mudalwa,  
Ward No. 06, P.S.- Bel Bichava, Distt.- Rauthat, Nepal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 the defect(s), as pointed out by the office, within a  
  
period of four weeks from today.

Heard Mr. Ayush Kumar, learned counsel for the  
petitioner and learned APP for the State through video  
conferencing.

The petitioner seeks regular bail, who is in custody in  
connection with C2-123 of 2022 registered for the offence  
punishable under Section 30(a) Bihar Prohibition & Excise Act,  
2016.

As per the prosecution case, it is alleged that while the  
petitioner was going on a motorcycle, the police apprehended  
him and on search 72 litres of Nepali Saufi wine was recovered



from his possession.

Learned Counsel for the petitioner submits that the petitioner is neither the owner of the alleged motorcycle nor he is any how related to the recovered illicit wine. He next submits that only on account of some altercation, which took place between the police and the petitioner, his name has been implicated in this case. It is next submitted that apart from other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. He next submits that the petitioner, having fair antecedent, is in custody since 28.03.2022 and moreover, after completion of the investigation, charge sheet has been submitted.

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

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner, having fair antecedent, is in custody since 28.03.2022, apart from the fact that the motorcycle does not belong to the petitioner, let the petitioner, named above, 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 Judge, Court No. II, Sitamarhi in C 2-123 of



2022, subject to the condition that one of the bailors will be the close relatives 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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