

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37648 of 2022

Arising Out of PS. Case No.-198 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Naresh Yadav @ Naresh Kumar Son Of Rajdhar Yadav Resident Of Vill.-
Suggapatti, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advo
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Madhubani P.S. Case No. 01 of 2022 for the offences
punishable under Sections 30(a) of the Bihar Excise
(Prohibition) Amendment Act.

The allegation against the petitioner is to be engaged
in trading of illicit liquor. On secret information, a search was
made in the chaff house of the petitioner and total 81 liters
Indian made foreign liquor was recovered.

Learned counsel for the petitioner submits that chaff



house does not belong to the petitioner and the same is situated at the barren land which is accessible to all. He next submits that the petitioner had neither any concerned with the chaff house nor with the illicit liquor, apart from the fact there is no compliance of Section 100 of the Cr.P.C. He next submits that only because of one past criminal antecedent his name has been implicated in this case. He last submits that the investigation of the crime is already been completed and the charge sheet has submitted. However, the petitioner is in custody since 03.04.2022.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that he has found involved in one another case of similar nature.

Regard being had to the facts that the recovery has been made from the chaff house which is situated in the barren land and petitioner is in custody since 03.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Excise Act, Madhubani in connection with Madhubani P.S.Case No. 01 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.

(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)

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