

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52798 of 2021

Arising Out of PS. Case No.-211 Year-2020 Thana- LAUKAHI District- Madhubani

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MUKESH YADAV Son of Digambar Yadav Resident of Village - Narhiya
Goth, P.S.- Laukahi (Narhiya O.P.), Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 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. Ratanakar Jha, learned counsel for the

petitioner as well as learned Additional Public Prosecutor for the

State.

At the outset, learned counsel for the petitioner seeks

permission to make necessary correction in paragraph no. 1 to

this application.

Permission is accorded.

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 (Narhiya) P. S. Case No. 211 of

2020 registered for the offences punishable under Sections 272



and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a secret information, raided the house of the petitioner and on being found locked, the door of the house was broken and on search, total 135 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the actual conscious possession of the petitioner, so far the alleged house is concerned, the same is a joint family house where several persons reside and the petitioner cannot be held responsible for the same. It is next submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. It is lastly submitted that this petitioner has been remanded in the present case from University (Darbhanga) P. S. Case No. 120 of 2021 on 26.06.2021 and since then he is in custody.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has two other criminal antecedent of similar nature and the



recovery has been made from his house.

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a joint family house and moreover, the petitioner was not apprehended at the spot nor any incriminating material has been recovered from his actual conscious possession and he is in custody since 26.06.2021, 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, Madhubani in connection with Laukahi (Narhiya) P. S. Case No. 211 of 2020, 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)

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