

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40735 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- BIRAUL District- Darbhanga

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PRADEEP YADAV Son of Lalo Yadav Resident of Village - Kodali, P.S.-
Biraul, District - Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with G.O.
Case No. 187 of 2020/Biraul P.S. Case No. 40 of 2020
registered for the offences punishable under Sections 272 and
273 of the I.P.C. and Sections 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, on the disclosure of local
Chowkidar 1382.01 litres foreign liquor was recovered from the
straw kept on the land of the petitioner. At the time of raid
petitioner was found absconding from his house.

Learned counsel for the petitioner submits that



petitioner is in custody since 12.07.2021 and bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the conscious possession of the petitioner and he was not apprehended on the spot. It is further submitted that seizure list has not been made as per law.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Darbhanga in connection with G.O. Case No. 187 of 2020/Biraul P.S. Case No. 40 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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