

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40997 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- MANPUR District- West Champaran

Ram Vilash Kumar Yadav S/o- Banka Yadav R/o- Village - basantpur, P.S.-
Sathi, District - West champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Deovind Kumar Singh, 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 Manpur P.S. Case No. 49 of 2022, 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, 2016.

The police on a secret information apprehended the petitioner, who was coming on a motorcycle from Nepal to India and on search total 60 liter country made liquor was



recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the said motorcycle nor has any concern with the illicit wine. However, only on account of suspicion, he was apprehended in this case and recovery has been shown from his possession. He further submitted that the petitioner has no criminal antecedent, but on account of inadvertence in the impugned order, it has been shown as the petitioner has two criminal antecedent, which is beyond the record. He also submitted that there are complete defiance of Section 100 of Cr.P.C. as well as Section 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He last submitted that the petitioner is in custody since 18.04.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the motorcycle nor with the illicit wine and moreover, the investigation of the crime is already complete and the charge-sheet has been submitted and the



petitioner is in custody since 18.04.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Manpur P.S. Case No. 49 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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