

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42720 of 2022

Arising Out of PS. Case No.-404 Year-2021 Thana- NAANPUR District- Sitamarhi

RAM LAL YADAV @ RAM LALA YADAV SON OF BADE LAL YADAV
@ BAUVE LAL YADAV R/O- AT AND P.O.- MAHISHOUTH, P.S.-
NANPUR, DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sita Ram Prasad

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-08-2022 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
Nanpur P.S. Case No. 404 of 2021 registered for the offences
punishable under Sections 30, 30(a), 38 and 41 of the Bihar
Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery
of 1370.36 litres foreign liquor from the house as well as Mini
Truck parked outside the house of the petitioner. The local
Chaukidar disclosed the name of the present petitioner and
others who fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 07.05.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that co-accused Ajit Kumar has already been granted bail vide Cr. Misc. No. 12906 of 2022 by the co-ordinate bench of this court and the case of present petitioner stands on similar footing. Petitioner is not apprehended on spot. Petitioner has no concern with the illegal foreign liquor.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence as submitted, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail 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 Exclusive Excise Court – II, Sitamarhi in



connection with Nanpur P.S. Case No. 404 of 2021, 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)

amitkr/-

U		T	
---	--	---	--

