

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41672 of 2022

Arising Out of PS. Case No.-159 Year-2022 Thana- LADANIA District- Madhubani

Shiv Kumar Yadav, S/o Late Mishree Lal Yadav, Resident of Village-
Bengabel, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Gagan Deo Yadav, learned counsel for the petitioners and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ladaniya P.S. Case No. 159 of 2022 (G.R. No. 883 of 2022) registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act 2016.

The police in course of vehicle checking, intercepted the petitioner, who was riding on a motorcycle and on search total 132 litres of Nepali Kingfisher Beer was recovered from



the bags tied on the motorcycle.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been made accused in this case, on account of being registered owner of the motorcycle, though the petitioner was neither apprehended at spot nor the petitioner has any concern with the illicit wine. He next submits that there is non-compliance of Section 100 of the Cr.P.C., inasmuch, as there is no independent witness to the seizure list, apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, 2016. He next submits that prior to the institution of this case, the petitioner is also named in one-another case bearing Ladaniya P.S. Case No. 101 of 2014, in which the petitioner is on bail and so far this case is concerned, the petitioner is in custody since 08.06.2022 and, moreover, the investigation of the crime is complete and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and charge-sheet has been submitted and as such keeping the petitioner behind the bar, would serve no



further purpose, let the petitioner, named above, 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 Ladaniya P.S. Case No. 159 of 2022 (G.R. No. 883 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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