

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42347 of 2022

Arising Out of PS. Case No.-279 Year-2021 Thana- BAHERA District- Darbhanga

CHANDAN YADAV Son of Vinod Yadav Resident of Village - Pohaddi West,
P.S. - Bahera, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajib Ranjan Jha
For the Opposite Party/s : Mr.Mohammed Arif

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 Bahera
P.S. Case No. 279 of 2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act.

As per prosecution case, there is alleged recovery
of 1561.68 litres illicit liquor from the house of co-accused
Sudarshan Rai. Apprehended co-accused disclosed the name of
present petitioner who fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.11.2021. Petitioner bears two



criminal antecedent of similar nature. 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 seizure list has not been made as per law. Petitioner is not apprehended on spot. Nothing has been recovered from the possession of the petitioner. Name of petitioner has been transpired on the basis of confessional statement of co-accused Sudarshan Rai.

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, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) II, Darbhanga in connection with Bahera P.S. Case No. 279 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)

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