

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42743 of 2022

Arising Out of PS. Case No.-252 Year-2021 Thana- KADWA District- Katihar

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RAM KRISHNA YADAV @ RAM KRISHNA KUMAR YADAV Son of
Muneelal Yadav Resident of Village - Phulparas, P.s.- Phulparas, Distt.-
Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Prakash

For the Opposite Party/s : Mrs.Meena Singh

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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 in virtual court proceeding.

The petitioner seeks bail in connection with Kadwa

P.S. Case No. 252 of 2021 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition Excise

(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery

of 2239.875 litre illicit foreign liquor from the truck in question

and there is accusation against the petitioner that he used to get

the alleged liquor supplied in Bihar.

Learned counsel for the petitioner submits that



petitioner is in custody since 18.04.2022 and bears criminal antecedent of three cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that neither the vehicle in question belongs to the petitioner nor petitioner has any concern with the seized illicit liquor. Nothing has been recovered from conscious possession or premises of the petitioner. Petitioner is not apprehended on the spot.

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, petitioner is 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 4th Additional Sessions Judge cum Special Judge, Excise Court No. 2, Kaithar in connection with Kadwa P.S. Case No. 252 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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