

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44099 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- LADANIA District- Madhubani

Shiv Kumar Yadav Son of Late Uchit Yadav Resident of Village - Yogiya,
P.S.- Ladaniya, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Ladania P.S. Case No. 138 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.

As per the prosecution, while the informant along
with other police personnel were on a regular patrolling duty
apprehended this petitioner from the Indo-Nepal border near
Simra Tol Road with his motorcycle and recovered 90 litres of
country-made Nepali Liquor.



The main submissions advanced by learned counsel Mr. Gagan Deo Yadav appearing for the petitioner are that though the instant matter relates to the recovery of 1500 bottles each of them containing 300ml Nepali wine but from the motorcycle which was allegedly being driven by this petitioner only 90 litres of Nepali wine kept in 300 bottles were alleged to have been recovered and the petitioner has been languishing in jail since 23.05.2022 and against him the investigation has been completed and against him there is criminal antecedent of two cases in which he is on bail.

Learned APP appearing for the State has opposed the bail prayer.

Having regard to the facts and circumstances of this case and considering the above submissions and taking into account the petitioner's custody period and his young age mentioned in his petition and also the fact that the investigation has been completed against him and as per the seizure memo the important witnesses who are to be examined are official witnesses, in the light of these facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two



sureties of the like amount each to the satisfaction of the Court concerned in connection with Ladania P.S. Case No. 138 of 2022, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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