

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44722 of 2022

Arising Out of PS. Case No.-271 Year-2022 Thana- MAIRWAN District- Siwan

Hareram Yadav, Son of Umashankar Yadav, Resident of village- Bhotiya, P.S-
Darauli, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-10-2022 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. Arbind Kumar Singh, learned counsel for
the petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Mairwa P.S. Case No. 271 of 2022 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

The police in course of patrolling duty, intercepted
three motorcycles and on search, total 54 liters of Buntly Buntly
illicit wine was recovered from the motorcycle of the petitioner
and he was apprehended at spot.



Learned counsel appearing on behalf of the petitioner submits that the petitioner has neither any concern with the motorcycle nor with the illicit wine, however, as the petitioner was a passers-by, he was apprehended on suspicion and thereafter, implicating his name, recovery has been shown from his possession. He further submits that the petitioner, having fair antecedent, is in custody since 09.07.2022 though there is non compliance of Section 100 of the Cr.P.C., apart from defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. He next submits that the investigation of the crime is already complete and charge-sheet has been submitted and he is having fair antecedent.

On the other hand learned APP for the State vehemently opposes 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 already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Court of Special Judge (Excise) Court



I, Siwan in connection with Mairwa P.S. Case No. 271 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.

(Harish Kumar, J)

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