

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47058 of 2022

Arising Out of PS. Case No.-133 Year-2018 Thana- AANDAR District- Siwan

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DIMPAL YADAV Son of Umesh Yadav Resident of Village - Sultanpur
Dahabari, P.s.- Andar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh
For the State : Mr.Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-09-2022 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 Andar
P.S. Case No. 133 of 2018 registered for the offences punishable
under Sections 272, 273 and 308 of the Indian Penal Code,
30/30(A) Bihar Excise Prohibition Act, 2016.

As per prosecution case, there is alleged recovery
of 3456 litres foreign liquor from truck in question. The name of
petitioner transpired in this case on secret information. The
petitioner is not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 11.04.2022 and bears one criminal



antecedent which is not similar to the present case. The petitioner is not apprehended on the spot. The petitioner has neither concerned with the seized vehicle in question nor concerned with the seized liquor. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that basically nothing has been recovered from his possession and he has been falsely implicated in this case.

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, the 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 as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.1, Siwan in connection with Andar P.S. Case No. 133 of 2018, 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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