

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58173 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- BISHWAMBHARPUR District-
Gopalganj

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Mukesh Yadav Son of Jawahar Yadav Resident of Village - Hem Bardaha,
P.s.- Kuchaikote, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Pronoti Singh

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Vishambharpur (Bishambharpur) P.S.Case No. 77 of
2021 for the offences punishable under Sections30(a) of the
Bihar Prohibition & Excise(Amendment)Act 2018.

As per the prosecution case, it is alleged that while the
police party was on patrolling duty a car was intercepted and the
petitioner is said to be the owner of the said car. It is alleged that
on search total 153 liters illicit country made liquor has been
recovered.



Learned counsel for the petitioner submits that country made liquor was recovered from a car and it is alleged that while petitioner was trying to flee away from the spot, he was caught by the police. It is next submitted that no other incriminating material has come during the course of investigation. It is next submitted that there is no compliance of section 100 of the Cr.P.C and the petitioner has no concerned with the seized liquor. Moreover, charge sheet has submitted and there is no chance of his absconding and tempering with the evidence.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that petitioner has one criminal antecedent , which is mentioned in Para-3 of the petition.

Having heard the rival contentions of the parties and taking into consideration the materials available on the record and especially fact that investigation has already been completed and charge sheet has submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise, Gopalganj in connection with Vishambharpur (Bishambharpur) P.S.Case No.



77 of 2021, 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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