

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46277 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- KHAJAULI District- Madhubani

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Madan Yadav @ Sunil Yadav, S/o Late Gopal Yadav, Resident of Village-
Chhapradhi, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Khajauli P.S. Case No. 195 of 2021, registered
for the alleged offences under Sections 272, 273 of the Indian
Penal Code and Section 30 (a) of the Bihar Prohibition and
Excise Act.

As per prosecution case, recovery of 720 liters of
Nepali country made liquor was made from the bamboo orchard
of one Laxmi Yadav. The petitioner and another co-accused
person were seen fleeing away from the spot and stated to be
allegedly involved in transporting the liquor.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The recovery has been made from an open place and the petitioner has nothing to do with the said place. The charge sheet has been submitted in this case. The petitioner is in custody since 05.05.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Khajauli P.S. Case No. 195 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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