

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45895 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- FULKAHA District- Araria

ARJUN YADAV Son of Dhaneshwar Yadav Resident of Village - Manikpur,
P.s.- Fulkaha, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-09-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Special Case No. 141 of 2021 arising out of Fulkaha P.S. Case
No. 26 of 2021 registered for the offences punishable under
Sections 418, 414 and 332 of the Indian Penal Code read with
Sections 30(a), 41(i) and 45 of the Bihar Prohibition and Excise
Act, 2016.

As per prosecution case, there is alleged recovery
of 216 litres Nepali liquor from three different motorcycles.
Apprehended person Anmol Yadav disclosed the name of
present petitioner and others who fled away from the place of



occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 30.06.2022. Petitioner bears four criminal antecedent of similar nature. Learned counsel further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor or with the seized motorcycle. Except the confessional statement of co-accused Anmol Yadav nothing is on record to connect the petitioner with the present case. Co-accused Anmol Yadav, on whose confessional statement name of present petitioner has been transpired, has already been granted bail vide Cr. Misc. No. 33800 of 2021 by a co-ordinate bench of this Court.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge 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 Judge, Excise – II,



Araria in connection with Fulkaha P.S. Case No. 26 of 2021,
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)

amitkr/-

U		T	
---	--	---	--

