

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56919 of 2021**

Arising Out of PS. Case No.-55 Year-2020 Thana- BARHARIA District- Siwan

VEYASH YADAV S/o Lallan Chaudhary @ Lallan Yadav R/o village- Siyari,
P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad,Adv

For the Opposite Party/s : Ms.Pushpa Sinha No.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 28-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Barharia P.S.Case No.55 of 2020 registered for the offence under Sections 272,273 and 34 of the Indian Penal Code and Section 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

The prosecution case, in short, is that 4050 litres of foreign liquor was recovered from the orchard of one Shakil Miya.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the orchard of one Shakil Miya. He further submits that co-accused, namely, Upendra Yadav has been granted privilege of anticipatory bail vide order dated 23.02.2021 in Cr. Misc. No.20233 and 2020 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 05.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Barharia P.S.Case No.55 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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