

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46653 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- HARLAKHI District- Madhubani

1. Devendra Kumar S/o Ram Sharan Yadav Resident of Village- Gangaur, P.S.- Harlakhi, District- Madhubani.
2. Sugriv Yadav @ Sugrib Yadav S/o Bhogendra Yadav Resident of Village- Gangaur, P.S.- Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate.

For the Opposite Party/s : Mr. APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Gagan Deo Yadav, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Harlakhi P.S. Case No. 186 of 2022, registered for the offences punishable under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

In course of checking at Indo Nepal Border, the police intercepted four persons, who were coming on cycle, loaded



with a bag, however out of the four persons two of them succeeded in fleeing away and both the petitioners were apprehended at the spot. On search total 360 liters Nepali liquor was recovered from the bag, loaded on the cycle.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it would be evident that four persons were coming from the Indo Nepal border and on noticing the police party, the persons, who were involved in the crime fled away, however, the petitioners being bona fide persons remained present there and on being apprehended, their names have been implicated in this crime. He further submits that the petitioners are men of fair antecedent, are in custody since 27.06.2022, apart from the fact the investigation of the crime is already complete and the charge-sheet has been submitted. He also submits that there is no compliance of Section 100(4) of Cr.P.C., apart from the other infirmities.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the



trial in near future and the petitioners having fair antecedent, are in custody since 27.06.2022, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each 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 Harlakhi P.S. Case No. 186 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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