

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59390 of 2021

Arising Out of PS. Case No.-489 Year-2021 Thana- MADHEPURA District- Madhepura

SHANKAR YADAV @ JATASHANKAR YADAV @ JATASHANKAR
KUMAR Son of Arvind Yadav @ Khokha Resident of Village -
Parmanandpur, P.S.- Murliganj, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Adv

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 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 Madhepura (Bharrahi O.P.)P.S.Case No.489 of 2021 registered for the offence under Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016 and Section 120(b) of the Indian Penal Code.

There is recovery of 810 liters of foreign liquor.

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 that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from one AISHER Tractor bearing Chassis No.928910274482, Engine No.528829168778. Learned counsel for the petitioner further submits that the petitioner is not the owner of the tractor in question and the petitioner is in custody since 09.09.2021.

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 District and Sessions Judge-II-cum-Special Judge Excise, Madhepura in connection with Madhepura (Bharrahi O.P.)P.S.Case No.489 of 2021 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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