

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59768 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

Laxman Yadav Son of Baldev Yadav Resident of Village - Sohans, P.S. -
Patauna (O.P.), District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Arer P. S. Case No. 67 of 2021 registered for the offences punishable under Sections 272, 273, 467, 468, 421 and 120 (B) of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on a secret information, the Police conducted a raid and seized two Pick-Up Vans. On Search from one Pick-Up Van altogether 3562.185 litres of foreign liquor and from another Pick-Up Van 886 litres of foreign liquor and 1200 litres bear was said to be recovered. It is further alleged that total 4408.185 litres of foreign liquor and 1200 litres of bear was recovered. It is also alleged that on seeing the police party 15-16 persons, who were



assembled there, fled away by taking advantage of dark.

Learned counsel for the petitioner submits that though the petitioner is named in the F.I.R., but he was neither arrested at the place of occurrence nor any incriminating material has been recovered from the person or possession of this petitioner. It is next submitted that there is no compliance of Section 100 of the Cr.P.C. and this petitioner has got clean antecedent and is in custody since 16.08.2021. Learned counsel for the petitioner lastly submits that one of the co-accused Surendra Pandit, who happens to be the driver of one of the aforesaid vehicles, has already been granted bail earlier by this Court in Cr. Misc. No. 58175 of 2021 vide order dated 07.04.2022, apart from the fact that investigation has been concluded and charge-sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application that a huge quantity of illicit foreign liquor/bear has been recovered.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any recovery has been made from his possession and other accused person has already been granted bail. Further, this petitioner has no



criminal antecedent and he is in custody since 16.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees 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 Arer P. S. Case No. 67 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He 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, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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