

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59834 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- ASANWA District- Siwan

Awadhesh Yadav Son of Late Nanhey Yadav Resident of Village- Singhpur,
Police Station- Asaw, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash Dwivedi

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with ASAW P.S.
Case No. 79 of 2021 registered for the offences punishable
under Sections 30(A), 41(I), of Bihar Prohibition and Excise
Act, 2016 and Section 272, 273 and 308 of the Indian Penal
Code.

According to prosecution case, total 100 liters Mahua
liquor was recovered near the house of the petitioner.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Government land 100 feet away from the house of the petitioner. It is further submitted that charge sheet has been submitted in this case. The petitioner is in custody since 31.08.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan in connection with Asaw P.S. Case No. 79 of 2021, subject to 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 absence on two



consecutive dates without sufficient reason, his 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.

3. 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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