

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61104 of 2021**

Arising Out of PS. Case No.-257 Year-2020 Thana- BENIPATTI District- Madhubani

=====

NARESH YADAV Son of Ramhit Yadav Resident of Village- Gangaur, P.S.-
Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Pawan Kumar Chourasiya.

=====

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

2 25-02-2022 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 Benipatti P.S.

Case No. 257 of 2020, G.R. No. 1138 of 2020 registered for the

offences punishable under Sections 272, 273 of the IPC and

30(a) of Bihar Prohibition and Excise Act, 2016.

There is recovery of 765 litres of illicit liquor.

Learned counsel for the petitioner submits that

petitioner has committed no offence and he has falsely been

implicated in the present case. He further submits that name of



the petitioner has been transpired on the basis of disclosure made by the local people of that vicinity. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather recovery has been made from the pickup van in question. He further submits that neither the pickup van nor the seized liquor belongs to the petitioner. He further submits that police after investigation submitted charge sheet against the petitioner. He further submits that co-accused Jitan Panjiyar has been granted bail by this court vide order dated 08.02.2022 passed in Cr. Misc. No. 59622 of 2021. Petitioner is in custody since 01.07.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

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-2nd cum Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 257 of 2020, G.R. No. 1138 of 2020, 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)

shahzad/-

U		T	
---	--	---	--

