

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52258 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- RAGHUNATHPUR District- Siwan

LAKHAN YADAV Son of Abhimanyu Yadav R/V- Rajpur, P.S-
Raghunathpur, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Raghunathpur P.S. Case No. 94 of 2021 registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act.

As per prosecution case, there is alleged recovery
of 435 litre country made mahua liquor from the motorcycle in
question. Apprehended co-accused persons disclosed the name
of petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 04.08.2022 and bears criminal antecedent of three cases of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery was made from seized motorcycle and petitioner is not the owner of the said motorcycle. Petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of ADJ Special Excise Court No. 2 Siwan in connection with Raghunathpur P.S. Case No. 94 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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