

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53032 of 2022

Arising Out of PS. Case No.-4 Year-2022 Thana- RAHIKA District- Madhubani

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Ram Shobhit Yadav S/o Nathuni Yadav R/o village- Korahiya, Ward No. 10,
P.S.- Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
	:	Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s	:	Mr. A.G.
	:	Mr. Binod Kr. No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-10-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Rahika P.S. Case No.4 of 2022 registered for the offences
punishable under Sections 272, 273 and 34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

Allegedly, 1350 liters of Nepali liquor was recovered
from Bolero pickup van.

The main submissions advanced by Mr. Gagan Deo



Yadav, learned counsel appearing for the petitioner are that the petitioner has no criminal antecedent and has been languishing in jail since 07.01.2022 and he previously filed Cr. Misc. petition No.6048 of 2022 for the relief of regular bail which was rejected by this Bench giving a liberty to the petitioner to renew his bail prayer after framing of the charges and now the charges have been framed upon the petitioner hence he has again come before this Court for the relief of bail in view of the changed circumstances in his case. Further submission is that the petitioner is owner of the alleged Bolero pick up vehicle from which the alleged Nepali country-made wine was recovered, in fact the petitioner had no knowledge of the loaded wine on his vehicle as the driver of petitioner's vehicle revealed the petitioner that paddy had been loaded in the vehicle and the driver of the petitioners vehicle was also apprehended at the spot who has been granted bail by this Court vide order passed in Cr. Misc. No.8748 of 2022 and in view of the petitioner's custody period as well as stage of his case the petitioner stands on better footing from the co-accused Md. Nasir Sah in respect of the bail matter.

Learned APP Mr. Binod Kr. No.3 appearing for the State has opposed the bail prayer.



Heard both the sides and perused the FIR and the case record. Though the petitioner's prayer for bail earlier made by him has been rejected by this Bench but now a significant development in the petitioner's case has taken place as the petitioner has been charged with the alleged offences and his case is at initial stage of trial and the FIR and the seizure list show that most of the important witnesses including the seizure witnesses are official witnesses and the trial of the petitioner appears to be at the initial stage and co-accused Md. Nasir Sah carrying similar nature of allegation is on bail. In the light of these discussed facts, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Rahika P.S. Case No.4 of 2022, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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