

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65169 of 2021**

Arising Out of PS. Case No.-57 Year-2021 Thana- SAHARGHAT District- Madhubani

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ARJUN YADAV @ DHELWA S/o- Bechan Yadav Resident of Village-
Rampur, P.S.- Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Murari Narain Chaudhary, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Saharghat Police Station
(for brevity, *PS*) Case No 57 of 2021/GR No 923 of 2021
registered for the offence punishable under Sections 272, 273 of
Indian Penal Code and Section 30 (a) of Bihar Prohibition and
Excise Act, 2016.

There is alleged recovery of 585 liters illicit liquor
from a Magic pick up vehicle. Upon chase, all the occupants of
the vehicle have allegedly fled away taking advantage of
darkness.

Petitioner's counsel submits that the petitioner has



been remanded in this case upon his arrest in Sitamarhi PS Case No 378 of 2021, only based on statement of the village chaukidar who also happens to be a member of the patrolling party. He has remained in custody since 06.10.2021. Even as per prosecution case, there is no recovery of any incriminating material from the petitioner.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody, nature of implication and the fact that prosecution does not allege recovery from the petitioner's possession, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II -cum- Special Judge, Excise Act, Madhubani in Saharghat PS Case No 57 of 2021/GR No 923 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the



address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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