

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55509 of 2022

Arising Out of PS. Case No.-74 Year-2022 Thana- MADHWAPUR District- Madhubani

Nageshwar Yadav S/O Achchhe Yadav, Resident Of Village- Balwa, Police
Station- Madhawapur, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, as pointed out by the office
be removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Madhawapur P.S. Case No. 74 of 2022
registered for the alleged offences under Sections 272, 273, 414,
34 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on the basis of a tip off, the
police intercepted a pick-up van from which recovery of 1440
liters of Nepali country made liquor was recovered. Local
chowkidar was identified the accused persons and named this
petitioner as one of the accused persons who fled away from the



spot when the raid was being conducted.

Learned counsel for the petitioner submits that the petitioner is innocent has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case on the basis of identification made by a local *chowkidar* and except that nothing has come against this petitioner. The petitioner is in custody since 12.06.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Madhubani in connection with Madhawapur P.S.



Case No. 74 of 2022, subject to the conditions mentioned in
Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of
the petitioner.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence for three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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