

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66852 of 2021**

Arising Out of PS. Case No.-120 Year-2021 Thana- GAMAHAIRIYA District- Madhepura

UDAY KUMAR YADAV @ UDAY KUMAR @ UDAY YADAV Son of
Mukho Yadav Resident of Village- Jogbani, P.S.- Gamharia, District-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Adv

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

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

2 08-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Case No.531 of 2021 arising out of Gamharia P.S.Case No.120
of 2021 registered for the offence under Sections 420,120(B) of
IPC and Section 30(a), 41(i) of the Bihar Prohibition and
Excise Act, 2016.

There is recovery of 3897.85 liters of illicit foreign
liquor from the Truck.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case only on the basis of the disclosure made by co-accused, namely, Pawan Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Truck in question. He further submits that the police, after investigation, submitted chargesheet against the petitioner. He further submits that co-accused, namely, Pawan Kumar has been granted bail vide order dated 03.03.2022 in Cr. Misc. No.61832 of 2021 by this Hon'ble Court and the petitioner is in custody since 19.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 learned A.D.J.-II-cum-Special Judge, Excise, Madhepura in connection with Excise Case No.531 of 2021 arising out of Gamharia P.S.Case No.120 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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)

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