

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56886 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- FULKAHA District- Araria

Arjun Yadav, S/o Dhaneshwar Yadav R/V- Manikpur, P.S.- Fulkaha, Distt-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate
For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Fulkaha P.S. Case No. 105 of 2021 registered for the alleged offences under Sections 30(a), 41(i) and 45 of the Bihar Prohibition and Excise Act.

As per prosecution case, police tried to intercept two motorcycles on a tip off that illicit liquor was being carried on the motorcycle. Three co-accused persons were apprehended and one miscreant fled away from the spot. From the motorcycle 162 litres of country made Nepali liquor was recovered. The apprehended co-accused persons named this petitioner as the person who fled away from the spot.

The learned counsel for the petitioner submits that the



petitioner was not arrested from the spot and nothing incriminating has been recovered from his conscious possession. Except for the confessional statement of co-accused there is nothing against this petitioner. The petitioner is in custody since 25.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in five cases of similar nature.

Having regard to the submissions made hereinabove 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 period of custody of the petitioner along with the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Araria in connection with Fulkaha P.S. Case No. 105 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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