

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67809 of 2021

Arising Out of PS. Case No.-37 Year-2021 Thana- JOGAPATTI District- West Champaran

Nagendra Yadav, Son of late Bhutkun Yadav, Resident of Village -
Chaumukha (Fatepur), P.S.- Jogapatti, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Jogapatti
P.S. Case No.37 of 2021 registered for the offence punishable
under Sections 30(a), 30(d), 33, 34, 36 of the Bihar Prohibition
and Excise Act, 2016.

54 litres IMFL has been recovered from the
petitioner's possession, as per the allegation made in the
FIR. There is recovery of some labels and wrappers.

Petitioner's counsel submits that the petitioner has
been in custody since 26.01.2021 and has only one antecedents
in Jogapatti (Nawalpur) P.S. Case No.199 of 2012. It is the
specific assertion of the petitioner that in so far as the impugned
order records submission of the learned Special P.P. of his



having 14 criminal antecedents, the same is an error of record.

In the instant case, investigation is also complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody, as also the fact that the investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed, subject to verification of the criminal antecedents of the petitioner.

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 the learned Special Judge, Excise, West Champaran at Bettiah in connection with Jogapatti P.S. Case No.37 of 2021, **subject to verification of the criminal antecedents of the petitioner** as also 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.

This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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