

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56684 of 2022

Arising Out of PS. Case No.-575 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Lilu Yadav @ Sri Niwas Yadav, S/O Gudari Yadav, Resident of village-
Songawan, P.S.- Sasaram (T) Darigaon District- Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamla Kant Pandey, Advocate

For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

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

In the present case, the petitioner seeks bail in
connection with Sasaram (T) (Darigaon) P.S. Case No. 575 of
2022 registered for the alleged offences under Sections 30 (a) of
the Bihar Prohibition and Excise Act.

As per prosecution case, co-accused Laleshwar
Paswan was apprehended with 40 litres of country made *mahua*
liquor which he was carrying on a motorcycle along with this
petitioner. The petitioner fled away from the spot and the co-
accused was apprehended. The petitioner is stated to be the
owner of the motorcycle.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner has gone to Geeta Ghat Ashram and left his motorcycle in the parking lot from where it went missing and later on he come know that the motorcycle was seized by police. The petitioner is in custody since 18.08.2022 and is having clean antecedent and charge sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the period of custody of the petitioner along with the submission of charge sheet, he 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 Exclusive Special Excise Court No-2-cum-Additional District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram (T) (Darigaon) P.S. Case No. 575 of 2022, 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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