

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70636 of 2021

Arising Out of PS. Case No.-231 Year-2021 Thana- GURUA District- Gaya

BINDESHWARI YADAV @ BINESHVER YADAV S/o Punai Yadav @ Pinal
yadav R/o village- Nawabchak, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Gurua
P.S. Case No. 231 of 2021 registered for the offences punishable
under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total 100 litres Mahua
liquor and 760 KG mahua flower has been recovered from the
mill of the petitioner and the petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 06.10.2021. Petitioner bears no
criminal antecedent. Charge sheet has already been submitted in
the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner and petitioner has falsely implicated in this case due to dirty village politics. The petitioner has no concern with the alleged recovered wine and mahua flowers. There is no compliance of Section 100 of Cr.P.C. in preparing the seizure list.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge of Excise Act, Gaya in connection with Gurua P.S. Case No. 231 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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