

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72172 of 2021**

Arising Out of PS. Case No.-489 Year-2021 Thana- MADHEPURA District- Madhepura

NARESH YADAV @ NARESH KUMAR YADAV S/o Dev Narayan Yadav
R/o village- Dinapatti, Ward No. 02, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Adv

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

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

2 11-03-2022 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 in virtual Court proceeding.

The petitioner seeks bail in connection with Excise Case No.435 of 2021 arising out of Madhepura (Bharrahi O.P.) P.S.Case No.489 of 2021, registered for the offence under Section 120(B) of IPC and Sections 30(a),41(i) of Bihar Prohibition and Excise Act.

Recovery is of 810 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that it



appears from the FIR that 810 liters of foreign liquor has been recovered from the Tractor in question. He further submits that the allegation against the petitioner is that he escorted the Tractor from behind. He further submits that nothing has been recovered from the conscious possession of the petitioner and the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons. He further submits that co-accused,namely, Sushil Kumar @ Sushil Kumar Yadav has been granted bail vide order dated 03.01.2022 in Cr.Misc. No.50775 of 2021 and another co-accused, namely, Shankar Yadav @ Jatashankar Yadav @ Jatashankar Kumar has also been granted bail vide order dated 08.02.2022 in Cr. Misc. No.59390 of 2021 by this Hon'ble Court and the petitioner is in custody since 21.06.2021

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 fact 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 Additional Sessions Judge-II, Madhepura in connection with Excise Case



No.435 of 2021 arising out of Madhepura (Bharrahi O.P.)
P.S.Case No.489 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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