

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2481 of 2022**

Arising Out of PS. Case No.-241 Year-2021 Thana- LAUKAHI District- Madhubani

HEMANT KUMAR YADAV S/o Raj Lal Yadav R/o village- Atari, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 13-06-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Laukahi
P.S. Case No. 241/2021 lodged under Sections 272, 273/34 of
the Indian Penal Code and Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case there is recovery of total
178.2 liters of Mamashrre Nepali country made liquor from two
motorcycles in question the place of occurrence and the
petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that petitioner
is quite innocent and he has committed no offence. He has



falsely been implicated in this case due to local politics. He further submits that the petitioner has no concern with the alleged wine and he is neither owner nor driver of the said vehicles. The petitioner was apprehended only on suspicion. The petitioner is in custody since 14.10.2021 petitioner bears no criminal antecedent. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and seizure list has not been prepared as per law.

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

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner 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, Excise Act, Madhubani, in connection with Laukahi P.S. Case No. 241 of 2022. Corresponding to G.R. No. 1894 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who 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 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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