

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11786 of 2023

Arising Out of PS. Case No.-377 Year-2022 Thana- NAUGACHIA District- Bhagalpur

ANIL KUMAR YADAV Son of Rajendra Yadav R/v- Patwaha, P.S.- Saharsa,
Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Special
Excise Case No. 5035 of 2022 arising out of Naugachia P.S.
Case No. 377 of 2022 registered for the offences punishable
under Section 30A, 32(II) of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery of
204.885 liter foreign liquor from the four wheeler vehicle in
question and petitioner apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody 02.12.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence.

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, period of custody, keeping in view clean antecedent of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Special Judge Exclusive Excise Court no.2, Bhagalpur in connection with Special Excise Case No. 5035 of 2022 arising out of Naugachia P.S. Case No. 377 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife of 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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