

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26220 of 2023

Arising Out of PS. Case No.-446 Year-2022 Thana- JAYNAGAR District- Madhubani

UPENDRA YADAV S/O LATE UTTIM LAL YADAV R/O Village- Korahiya
(Navtoli), P.S- Jaynagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Jaynagar P.S. Case No. 446 of 2022, corresponding to G.R. No. 2233 of 2022 registered for the offences punishable under Sections 272, 273 and 414/34 of the IPC and Section 30(a) and 41 of the Bihar Prohibition and Excise (Amendment) Act ,2022.

As per prosecution case, informant got secret information that petitioner and others have to go somewhere with four cars loaded with illicit liquor and on such information he went to Dodwar with his associates and on seeing person personnel all accused persons fled away from the spot. It is alleged that 900 litre illicit liquor was recovered from the four cars in question.



Learned counsel for the petitioner submits that petitioner is in custody since 28.02.2023 and bears criminal antecedent of three cases which are similar to the present case. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered liquor and car. He further submits that petitioner is quiet innocent and has falsely been implicated in the case. He further submits that petitioner is not apprehended on spot.

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, 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, **after framing of charge** 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 Session Judge, 2nd cum Special Judge Excise Act, Madhubani in connection with Jaynagar P.S. Case No. 446 of 2022, corresponding to G.R. No. 2233 of 2022, 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)

vashudha/-

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