

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26784 of 2023**

Arising Out of PS. Case No.-117 Year-2022 Thana- LAUKAHI District- Madhubani

Lal Bihari Yadav Son Of Vinod Yadav R/O Village- Sananpatti, P.S.- Laukahi  
(NARAHYA O.P.), District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

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

3      09-08-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 20.12.2022 in connection with Laukahi (Narahiya O.P) P.S. Case No. 117 of 2022, F.I.R. dated 21.05.2022 for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act 2016.

4. Recovery is of 264 liters of illegal Nepali Liquor.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that from perusal of the F.I.R.



as well as seizure list it appears that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the Mango Orchard of Santosh Yadav and motorcycle in question. He further submits that on the basis of the disclosure made by the co-accused, Santosh Yadav, the petitioner has implicated in this present case and the petitioner has no concern at all with the illicit liquor or the motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Santosh Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 13.01.2023 passed in Cr. Misc. No. 61088 of 2022. The petitioner is in custody since 20.12.2022.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances, 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 the learned Special Judge Excise Act, Jhanjharpur, Madhubani in connection with



Laukahi (Narahiya O.P) P.S. Case No. 117 of 2022, subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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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