

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49434 of 2023

Arising Out of PS. Case No.-117 Year-2023 Thana- BENIPATTI District- Madhubani

Daya Shankar Yadav @ Dayashankar Yadav Son Of Kari Yadav Resident Of
Village Salaha P.S Benipatti District Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.06.2023 in connection with Benipatti P.S. Case No. 117 of
2023, F.I.R. dated 06.06.2023 for the offences punishable under
Sections 272, 273 of the Indian Penal Code and section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

Recovery is of total 90 liters of Nepali liquor from the
motorcycle in question.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession or the house of the petitioner rather the



recovery has been made from the motorcycle in question and petitioner has no concern at all with the alleged recovery of illicit liquor or the motorcycle in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.06.2023.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries three criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as stated in para-3 of the bail petition.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and petitioner has no concerned at all with the alleged recovery of illicit liquor or the motorcycle in question, 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 Additional Sessions Judge-2nd-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 117 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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