

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52195 of 2023**

Arising Out of PS. Case No.-170 Year-2022 Thana- MADHWAPUR District- Madhubani

Sifat Yadav S/O Hukum Yadav @ Jukum Yadav @ Julum Yadav R/O Village-
Bairava Ps. Madhwapur, Dist. Madhubani

... .. Petitioner/s

Versus

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 07.06.2023 in connection with Madhwapur P.S. Case No. 170 of 2022, F.I.R. dated 22.11.2022 for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code as well as 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, on search 300 liters of illicit liquor has been recovered from the cycles.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the basis of disclosure made by the co-accused namely Madan yadav and except the



disclosure made by the co-accused person, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the conscious possession of the petitioner or from the house of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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 2nd Additional Sessions Judge – cum – Special Judge Excise Act, Madhubani, in connection with Madhwapur P.S. Case No. 170 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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