

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51328 of 2023

Arising Out of PS. Case No.-49 Year-2023 Thana- KHIRHAR District- Madhubani

Bindeshwar Yadav @ Binde Son Of Late Yogendra Yadav Village Bhaidali
(PARKAULI), Ward No. 7, Ps- Arer, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 21.06.2023 in connection with Khirhar P.S. Case No. 49 of 2023, F.I.R. dated 20.06.2023 for the offences punishable under Sections 272, 273 and 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, on search, recovery of 88.5 liter of illicit liquor has been made from the motor-cycle of the petitioner.

4. 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. and seizure list that nothing has been recovered from the



conscious possession of the petitioner. He further submits that recovery has been made from the motor-cycle in question. He further submits that there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 21.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph -3 of the bail petition that he is on bail in the said case.

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 Court of Additional Sessions Judge- IInd – cum- Special Judge, Excise Act, Madhubani, in connection with Khirhar P.S. Case No. 49 of 2023, 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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