

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53246 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- NAUTAN District- West Champaran

HARENDRA YADAV SON OF SIRPAHI YADAV RESIDENT OF
VILLAGE- MARUAHAN, BANHAURA, PS- NAUTAN, DIST- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Adv.

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 04.05.2023 seeks bail, in connection with Nautan P.S. Case No.150/2023, dated 01.05.2023, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.
3. According to prosecution case, total 675.360 litres of foreign liquor is said to have been recovered from the bank of Chandrawat river.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case merely on the basis of secret information given by the local spy. He further submits that from bare perusal of the F.I.R. as well as seizure list, it appears that nothing has been recovered from conscious possession



of the petitioner rather the recovery has been made from the bank of Chandrawat river and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that merely on the basis of criminal antecedent of the petitioner, he has been implicated in the present case and there is non-compliance of section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 04.05.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

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 Exclusive Special Judge, Excise, Bettiah, West Champaran in connection with Nautan P.S. Case No.150/2023, 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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