

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61632 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- RAGHUNATHPUR District- Siwan

NAYAN YADAV Son of Late Suresh Yadav Resident of Village- Rajpur, P.S.-
Raghunathpur, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Raghunathpur P.S. Case No. 60 of 2022 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 32 litre mahua liquor from the bag of the petitioner. Local people disclosed the name of petitioner who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 30.06.2022 and bears criminal antecedent of seven cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of



tampering with the prosecution evidence. He further submits that petitioner is not apprehended on spot. Nothing has been recovered from the conscious petitioner of the petitioner. Petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned court of Exclusive Special Excise Court No. 2 Siwan in connection with Excise P.S. Case No. 60 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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