

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75415 of 2022

Arising Out of PS. Case No.-1008 Year-2021 Thana- MADHEPURA District- Madhepura

Ashok Yadav Son of Late Ramadhin Prasad Yadav @ Late Ramdhin Yadav
Resident of Village- Rajpur, Ward No.-13, P.S.- Madhepura (Bharrahi O.P.),
District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
25.09.2022, in connection with Madhepura (Bharrahi O.P.) P.S.
Case No. 1008 of 2021, F.I.R. dated 23.12.2021 registered for
the offences punishable under Sections 120(B) of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

Recovery is of 123.840 litres of *foreign* wine.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has been falsely
implicated in the present case merely on the basis of suspicion.
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 of the petitioner rather recovery has been made from the vehicle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor or the vehicle in question. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.09.2022.

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

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additiional Sessions Judge-V-cum-Special Judge, Excise Act 1st, Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 1008 of 2021, 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 witness, 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 antecedents, 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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