

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69577 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- LAUKAHA District- Madhubani

RAM KUMAR YADAV SON OF LATE JAMUN YADAV R/O-VILLAGE-
MADHOPUR, P.S.- LAUKAHA, DIST.- MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Laukaha P.S. Case No. 107 of 2023 registered on 04.05.2023
lodged under Sections 272, 273/34 of the I.P.C. and under
section 30(a) of the Bihar Prohibition and Excise Act
(Amendment), 2018.

3. As per the prosecution case, recovery of 168 litre of
illicit liquor is the subject matter of this case.

4. Counsel for the petitioner submits that from the
seizure list it transpires that the said recovery has not been made
from the possession of the petitioner rather the recovery has
been made from the public place.

5. Counsel further submits that petitioner is innocent



and has committed no offence. He further submits that petitioner is in custody since 07.08.2023 having one criminal case pending against him, in which he is on bail.

6. Learned counsel for the State opposes the prayer for bail and submits that it is true that recovery has not been made from the possession of the petitioner but it is also true that antecedent of the petitioner is not clean.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail *after framing of charge* and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No. 107 of 2023 subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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