

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71206 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- HARLAKHI District- Madhubani

Mohabiya Yadav S/O Late Chande Yadav @ Baudhu Yadav R/O Village-
Dighiya, P.S.-Harlakhi, Dist.-Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India, NDPS Act

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar, Advocate Mr. Bimal Kumar, Advocate
For the State	:	Mr.Kanhaiya Kishore, APP
For Union of India	:	Mr. Abhay Shankar Jha, CGC

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Harlakhi P.S. Case No. 131 of 2023, registered on 16.05.2023 for the alleged offences under Sections 272, 273 of the Indian Penal Code, Section 30(a) of Bihar Prohibition and Excise Act and Section 20/22 of NDPS Act.

3. As per prosecution case, police received secret information about petitioner storing illicit liquor and ganja at his house. A raid was conducted on the house of the petitioner and on search of the house recovery of 14.040 litres of Nepali liquor and 200 gms of ganja was made.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner who was not apprehended from the spot. Even the seizure of ganja is of small quantity and the search and seizure was not conducted in presence of any family member of this petitioner. Learned counsel further submits that the petitioner has criminal antecedent of two cases and he is on bail in both the cases. The petitioner is in custody since 15.07.2023 and charge sheet has been submitted.

5. Learned counsel appearing on behalf of Union of India vehemently opposes the submission made on behalf of the petitioner submitting that the petitioner is having criminal antecedent.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and recovery has been shown in his absence and further considering the period of custody of the petitioner and submission of charge sheet, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Sessions Judge, Madhubani/concerned court in connection with Harlakhi P.S. Case No. 131 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

