

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 71171 of 2023

Arising Out of PS. Case No.-143 Year-2023 Thana- KHAJAULI District- Madhubani

Naresh Yadav S/O Shivnandan Yadav Resident Of Village- Chhapradhi, P.S-
Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Khajauli P.S. Case No. 143 of 2023 (G.R. No. 1150 of 2023) registered on 24.07.2023, for the alleged offences under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, police received secret informant about unloading of a large consignment of illicit liquor in the orchard of one Ramji Yadav. A raid was conducted and the police found four persons on four motorcycle carrying plastic bag on their motorcycles. On seeing the police party, they tried to escape and two of them were apprehended and two other persons fled away from the spot, leaving their



motorcycles. From the said four motorcycles, recovery of 468 liters of Nepali country made liquor was made. The apprehended co-accused persons named the petitioner as one of the escaped miscreants.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is evident from the F.I.R. that petitioner was not apprehended from the spot. Learned counsel further submits that none of the seized motorcycle belong to this petitioner and nothing incriminating was recovered from the person or possession of the petitioner. The petitioner is in custody since 27.07.2023 and charge-sheet has been submitted. The petitioner is having criminal antecedent of one case and he is on bail in that case.

05. Learned APP for the State opposes the prayer for bail.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from his possession and further considering the period of custody of the petitioner along with 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 Additional Sessions Judge-II-cum-Special Judge Exise Act, Madhubani in connection with Khajauli P.S. Case No. 143 of 2023, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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