

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70977 of 2023

Arising Out of PS. Case No.-54 Year-2023 Thana- MADHWAPUR District- Madhubani

Surenbra Kumar Yadav @ Surenbra Kumar S/O Ram Swarth Yadav Resident
Of Patauna (O.P.), P.S- Bisfi, 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 : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Madhwapur P.S. Case No. 54 of 2023, lodged on 11.06.2023,
under Sections 272/273/414/34 of the Indian Penal Code and
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per the prosecution case, the FIR has been
lodged against the petitioner and others. The total recovery of
216 liters of Nepali Wine from a Honda Car has been the subject
matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the seizure of the wine has been made near Durga Temple.



He submits that the recovery has been made from a vehicle and petitioner is not the owner of the vehicle. His name has come in this case by one Md. Saddam, who has disclosed that without any documentary proof he has purchased the said vehicle from the petitioner. Counsel for the petitioner further submits that antecedent of the petitioner is clean and he is in custody since 13.08.2023. He submits that the name of the petitioner has been taken by said Md. Saddam under conspiracy.

5. Learned counsel for the State opposes the prayer for bail.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, in connection with Madhwapur P.S. Case No.54 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(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.

(Dr. Anshuman, J)

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