

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71068 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- MADHWAPUR District- Madhubani

Ramesh Yadav, Sex-M, aged about 30 years, Son of Jeebachh Yadav @ Jibachh Yadav @ Bambam Yadav Resident of Village- Balwa, P.S.- Madhawapur, District- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Bhavesh Kumar Sah, Advocate
For the State : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 04-03-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Madhawapur P.S. Case No. 100/2022 registered for the offence punishable under Section 272, 273, 414, 34 of the Indian Penal Code (for brevity 'IPC') and Section 30(a) of the Bihar Prohibition and Excise Act.

There is recovery of 1088 litres (one thousand eighty eight) *nepali* illicit vine from a 'Tata Winger' vehicle. One Mohan Bharati, has been arrested from the vehicle, who has stated the name of several other persons, including the petitioner. Regarding petitioner, he has stated that he is one of the persons, on whose order the liquor was being sold.

Learned counsel for the petitioner submits that merely because of his criminal antecedents in two (2) earlier cases, his



named has been dragged in the alleged confessional statement of co-accused, which has been recorded in police custody, and therefore, is unreliable. Even as per prosecution case, he was not arrested from the place of recovery, and there is no recovery of any incriminating material from the petitioner. It is stated that there are two cases pending against the petitioner since before, out of which he is on bail in one (1) case. In the instant case, he is in custody since 24.11.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the fact that prosecution does not alleges any recovery from the petitioner, nature of accusations and the period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Addl. Sessions Judge-cum-Special Judge Excise Act, Madhubani, in connection with Madhwapur P.S. Case No. 100/2022, (G.R. No. 1202/2022), subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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