

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73314 of 2023

Arising Out of PS. Case No.-233 Year-2023 Thana- LAUKAHI District- Madhubani

NITISH KUMAR YADAV Son of Jageshwar Yadav Resident of Village -
Tulsiyahi, P.S. - Laukahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is an accused in connection with Laukahi P.S. Case No. 233 of 2023 giving rise to G.R. No. 634 of 2023 registered for the offences under sections 272, 273, 34 and 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 30.08.2023 by the informant, Ramesh Kumar Sharma.

3. As per the prosecution story, the allegation is that police during patrolling, intercepted a motorcycle and recovered 72 litres Nepali liquor while from another motorcycle, 108 litres Nepali liquor recovered/seized. Subsequently, the accused persons including the petitioner were taken into custody.

4. Learned Counsel for the petitioner submits that the police has implicated him in this case showing the recovery of



liquor for which he has already suffered by being in custody since 31.08.2023 (as stated in paragraph 14 of the bail application).

5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the aforesaid submissions put forward by the parties as also his period of custody and the fact that he do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Special Judge Excise Act, Jhanjharpur, Mahubani in connection with Laukahi P.S. Case No. 233 of 2023 giving rise to G.R. No. 634 of 2023, subject to the 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 bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

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

(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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

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

