

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75388 of 2023

Arising Out of PS. Case No.-102 Year-2023 Thana- TARABARI District- Araria

Shanichar Yadav @ Kailu Yadav S/O Late Kushum Lal Yadav Village-
Sahasmal, Ghurghara, Ps. Tarabari, Dist.Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Ravish

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Tarabari P.S. Case No. 102/2023 registered for the offences
punishable under Sections 272/273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that 135 litre
country made wine was recovered from two motorcycles in
question and petitioner and other were apprehended on the
spot.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
in the FIR. It is further submitted that he is in custody since
18.08.2023. Petitioner bears criminal antecedent of 5 cases



which are not similar to the present case. Learned counsel orally submits that charge-sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner has nothing to do with the alleged recovery. Nothing has been recovered from his conscious possession. On account of inimical terms with the police, petitioner has been falsely implicated in this case. Learned counsel for the petitioner further submits that two motorcycles bearing Registration No. BR 38 AD 0821 and BR 38 Q 3665 were seized from the place of occurrence and motorcycle bearing Registration No. BR 38 AD 0821 belongs to the petitioner.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Judge, Excise-2, Araria in connection with Tarabari P.S. Case No. 102/2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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