

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74991 of 2022

Arising Out of PS. Case No.-504 Year-2022 Thana- NAUTAN District- West Champaran

ACHCHHELAL YADAV Son of Krishna Yadav Resident of Village-
Phuliyakhar, P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
25.09.2022, in connection with Nautan P.S. Case No. 504/2022,
F.I.R. dated 24.09.2020, for the offences punishable under
Sections 414 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 26 litres of
country made liquor is said to have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of suspicion. He
further submits that it appears from the F.I.R. and seizure list



that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of the motorcycle or illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.09.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Exclusive Special Judge, Excise, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 504/2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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