

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83055 of 2023

Arising Out of PS. Case No.-66 Year-2020 Thana- BENIPATTI District- Madhubani

Kamaljit Yadav Son of Ishwar Yadav R/o vill - Chandpur Patti Basaith, P.S. -
Benipatti, Distt. - Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sarfraz Ahmad, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with G.R.
No. 559/2020 arising out of Benipatti P.S. Case No. 66 of 2020
registered for the offences punishable under Section 272, 273
and 34 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, 76 litres of illicit liquor
was recovered from vehicle in question. Local people disclosed
the name of the petitioner who fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR and he has falsely been implicated in this case.



Petitioner is in custody since 08.09.2023 and bears two criminal antecedents. Petitioner is not apprehended on the spot. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. He further submits that the petitioner was neither concerned with the seized liquor nor was concerned with the seized vehicle in question. The petitioner has falsely been implicated in this case on account of inimical term with the local people. He orally submits that charge-sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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 Additional Sessions Judge-IIInd Cum-Special Judge, Excise Act, Madhubani in connection with G.R. No. 559/2020 arising out of Benipatti P.S. Case No. 66 of 2020, 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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