

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50 of 2024

Arising Out of PS. Case No.-165 Year-2022 Thana- ANDHRAMATH District- Madhubani

Deepu Yadav Son of Brahamdev Yadav Resident of Village-Chhatapur,
Dhattatol, P.S.- Andhramath, District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Andhramath P.S. Case No. 165 of 2022 registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, total 141 litre illicit liquor
has been recovered from three motorcycles in question. It is
further alleged that local people disclosed the names of
petitioner and others who succeeded in fleeing away from place
of occurrence.

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. It is



further submitted that petitioner was not apprehended on spot and the seized motorcycles do not belong to the petitioner. The name of petitioner has been surfaced in the present case on basis of disclosure of local people. Except disclosure there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner has no knowledge about the alleged recovery. It is further submitted that due to previous criminal antecedents of the petitioner, he has been falsely roped in the present case without any basis. Petitioner is in custody since 09.10.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of four cases.

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, petitioner was not apprehended on 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 Special Judge Excise



Act, Jhanjharpur, District Madhubani in connection with
Andhramath P.S. Case No. 165 of 2022, 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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