

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81765 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- LAUKAHA District- Madhubani

Niranjan Kumar Yadav @ Raja Yadav Son of Satrugghan Yadav @ Satrugghan Prasad Yadav Resident of village - Hariraha, ps- Pato, Dist- Saptari (Nepal), at P/A- Atari Ps- Laukahi, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jaishankar Kumar Yadav, Advocate
For the Opposite Party/s : Mrs. Renu Kumari APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 16-01-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Laukaha P.S. Case No. 274 of 2023 instituted for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 157.8 litres of country-made liquor has been recovered from motorcycle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner was not arrested on the spot. The name of the petitioner transpired in this case on the basis of disclosure made



by local chowkidar. No incriminating article has been recovered from the conscious possession of the petitioner rather the recovery has been made from an open place. The petitioner has got no concern with the alleged recovery of liquor. Learned counsel further submitted that he has filed supplementary affidavit duly sworn by her sister who is an Indian citizen. The petitioner is in custody since 04.10.2024 and has no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Laukaha P.S. Case No. 274 of 2023., subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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