

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12883 of 2021**

Arising Out of PS. Case No.-214 Year-2020 Thana- MUFFASIL District- Aurangabad

ALAKH YADAV Son of Late Dhuran Yadav Resident of Village -
Badribigha, P.S.- Aurangabad Muffasil, Dist.- Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Adv.

For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-06-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Aurangabad Muffasil P.S. Case No.214 of 2020
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

As per the prosecution story the informant who is
officer in charge of Aurnagabad Muffasil police station recorded
his self-statement on 10.11.2020 stating therein that while he
was on patrolling duty he got a secret information at 2.50 am



that the petitioner and his son Mantu Yadav were involved in trade of illicit liquor. On receiving such information, he raided the house of petitioner at 3.30 am and recovered altogether 165 liters of illicit liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that police party raided the house of the petitioner when he was sleeping and it was his son Mantu Yadav who had fled away seeing the police party.

Learned counsel submits that so far as the recovery of 165 liters of liquor is concerned, petitioner had no knowledge about the same and seizure has not been made in presence of the independent witnesses as the raid was conducted during night hours at about 3.30 am without any independent witness. It is submitted that the petitioner has remained in jail since 11.11.2020 and he has no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the police party raided the house of the petitioner when he was sleeping and it was his son Mantu Yadav who had



fled away seeing the police party, so far as the recovery of 165 liters of liquor is concerned, he had no knowledge about the same and seizure has not been made in presence of the independent witnesses as the raid was conducted during night hours at about 3.30 am without any independent witness, the petitioner has remained in jail since 11.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, petitioner has otherwise no criminal antecedent, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Aurangabad in connection with Aurangabad Muffasil P.S. Case No.214 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person



acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

