

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16134 of 2021**

Arising Out of PS. Case No.-479 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

DINESH YADAV S/o Ram Narayan Yadav Resident of Village- Masarhi
(Tola), P.S.- Udwanthnagar, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 24-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Excise Case No. 1940/20 arising out of
Udwanthnagar P.S. Case No. 479 of 2020 registered for the offences
punishable under Sections 30(A) of the Excise Act.

Learned counsel for the petitioner submits that as per the
prosecution story, 140 liters of country-made liquor and other articles
used for preparing liquor were recovered from near the boaring of
one Raghbansh Mishra and all the accused persons fled away from
the said place of occurrence, they all were identified by the
chaukidar.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of this petitioner has come only on the statement of Chaukidar. The petitioner is in custody since 18.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein this petitioner is said to be in custody in connection with the seizure of 140 liters of illicit liquor, however, he is in custody in connection with this case since 18.12.2020, prior to the present case, he had no criminal antecedent, investigation against him is complete but the trial is not likely to be concluded in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge cum Spl. Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1940/2020 arising out of Udwantpur P.S. Case No. 479 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

