

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19494 of 2021**

Arising Out of PS. Case No.-459 Year-2020 Thana- BAHERA District- Darbhanga

RAJARAM YADAV, Son of Kantir Yadav, Resident of Village- Trimuhani
Jarson, P.S.- Bahera, District- Darbhanga. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Bali Jha, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, A.P.P.

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

2 24-07-2021 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 Mr. Ashok
Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with G.O. No. 1439 of 2020, Bahera P.S. Case No. 459
of 2020 registered for the offence punishable under Section 30 (a)
of Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, while the informant was
on patrolling duty received an information that in the hut which is
situated near Jibachho river at Trimuhani a huge quantity of
foreign liquor has been kept. On receiving this information, the
informant along with Police personnel reached there and raided the
said hut and recovered 1240.2 litres of foreign liquours from there
and arrested the petitioner from the spot.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the recovery of liquor has been made from a place near the bank of the river. There is no recovery from the conscious possession of the petitioner and the petitioner has remained in jail in connection with this case since 24.12.2020 having no criminal antecedent.

Mr. Ashok Kumar Singh, learned A.P.P. for the State 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 recovery of liquor has been made from a place near the bank of the river, there is no recovery from the conscious possession of the petitioner and the petitioner has remained in jail in connection with this case since 24.12.2020, investigation against him is complete but the trial is not likely to take place in near future, the petitioner has otherwise no criminal antecedent, this Court directs release of the petitioner above named 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 2nd Additional Sessions Judge-cum-Special Judge (Excise), Darbhanga in connection with G.O. No. 1439 of 2020/ Bahera P.S. Case No. 459 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)

vats/-

U		T	
---	--	---	--

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'.

