

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.19527 of 2021**

Arising Out of PS. Case No.-260 Year-2020 Thana- KAMTAUL District- Darbhanga

PAWAN YADAV S/O SRI KAPILESWAR YADAV R/O VILLAGE-
BRAHMPUR, PUNAUD TOLA, P.S-KAMTAUL, DISTRICT-
DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.(Dr.) Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

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

3 08-10-2021 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. Arun Kumar Pandey, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Kamtaul P.S. Case No.260/2020 registered for the offences punishable under Sections 272, 273 and 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody in this case after his remand in the present case on 12.11.2020 (as per case diary).

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case on the basis of the confessional statement of the co-accused Dharmendra Kumar Ram who was arrested by police in connection with the present case. It is alleged that according to said co-accused Dharmendra Kumar Ram, this petitioner had invested his money in the consignment of the liquor which was seized by police.

Learned counsel for the petitioner submits that the sole basis for accusation against this petitioner is the confessional statement of the co-accused and the involvement of the petitioner has been done in this case because of his criminal antecedents. The petitioner has got altogether 17 criminal antecedents out of which in one case he has been acquitted and in only one case he is not on bail. In all other cases the petitioner is said to be on bail. Prior to the present case, the petitioner has been made accused in two other cases of similar offence.

Learned counsel submits that in this case some of the co-accused namely Niyaz Mohammad and Dharmendra Kumar Ram have been granted bail. The Bolero which was seized by police has been found to be of one Manoj Kumar Sah and not of this petitioner. In these circumstances, the prayer for bail has been made.



Learned APP for the State has opposed the prayer for regular bail of the petitioner. Learned counsel submits that the allegation against the petitioner is that of financing the illicit liquor business and the quantity of liquor seized from the truck ownership of which remained unverified is about 1500 liters. It is submitted that the co-accused Dharmendra Kumar Ram has disclosed that it was this petitioner who was financing the consignment of liquor and this is to be seen coupled with the fact that the petitioner has got huge criminal antecedents of 17 cases including two cases of similar nature lodged in the year 2019 and 2020 at Kamtaul police station and Simri police station. The other cases are under Sections 395, 396, 397 and 412 of the Indian Penal Code and under the provisions of the Arms Act, therefore, it is his submission that considering the huge criminal antecedent of the petitioner if he is released on bail at this stage, there is an apprehension of tampering with the evidence and threat to the witnesses which would be a relevant consideration at this stage for not granting bail to the petitioner.

Considering the materials placed before this Court, this Court finds that this is not the solitary case in which the petitioner has been made accused for the offence alleged under the provisions of the Bihar Prohibition and Excise Act, 2016, he



has got two cases of similar nature and apart from that the petitioner is accused in several cases of serious nature, the cases are pending against him since the year 2005 and the cases of 2009 and 2010 under Section 395 I.P.C. and under Section 396 I.P.C. and under the provisions of the Arms Act are also pending, under these circumstances, the Court is inclined to agree with the submission of learned APP for the State that his release at this stage in this case is likely to result in tampering with the evidence and interfering with the course of trial and once again the trial would be badly delayed. For these reasons, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial be expedited and all endeavours be made by learned trial court to conclude the trial within a period of one year from the date of communication of this order. Failure of the prosecution to cooperate in course of trial by producing the witnesses and for that reason if the trial remains unconcluded without there being any reason attributable to the petitioner, he may renew his prayer for bail.

Let a copy of this order be communicated to the learned District Judge, Darbhanga who will ensure that the cases including the present case pending against the petitioner are



fixed on shorter dates and the trial be concluded as early as possible.

This application stands disposed of accordingly.

(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'.

