

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37909 of 2021

Arising Out of PS. Case No.-339 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

NANHE YADAV Son of Late Ali Yadav Residence of Village - Gausia Vriti
Tola, P.S.- Manjhagarh, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav, APP
For the Opposite Party/s : Mr. Narsingh Tanti, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2021 Let the defect(s), if any, as pointed out by the Office,

be removed within four weeks of start of normal functioning of

the physical Court.

Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

The petitioner seeks regular bail in connection with
Excise Case No.339 of 2019 registered for the offence under
Section 30(a) of Bihar Prohibition and Amendment Act.

As per prosecution case, about 8553.600 illicit liquor
was recovered from a truck.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case only
on the basis of suspicion. He further submits that as per seizure



list 8895.600 has been recovered from the truck. He further submits that petitioner is not the owner of the truck in question. He further submits that similarly situated co-accused, namely, Indrajit Yadav has been granted regular bail by a Co-ordinate Bench of this Court passed in Cr.Misc. No. 22842 of 2020 vide order dated 11.09.2020 and (2) co-accused, namely, Rajesh Yadav and Vijay Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 81748 of 2019 vide order dated 11.12.2019. He further submits that petitioner has two criminal antecedents and he is in custody since 12.03.2021.

However, learned APP for the State vehemently opposed the prayer for regular bail.

Considering the period of custody of the petitioner, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge Excise, Gopalganj in connection with Excise Case no. 339 of 2019 with following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(ii) 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.

(iii) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(iv) 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.

(Rajesh Kumar Verma, J)

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