

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38887 of 2021

Arising Out of PS. Case No.-140 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

MANAGER YADAV @ MAINEJAR YADAV S/O RAMANUP RAI
RESIDENT OF VILLAGE RAJAPUR AHIRALIYA, P.S-KOTWA,
DISTRICT-EAST CHAMPARAN, PRESENT ADDRESS-R/O VILLAGE-
KOTWA, P.S-KOTWA, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

A supplementary affidavit on behalf of the petitioner has been filed to the extent of necessary correction in paragraph-3 of the application, which forms part of this application.

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

The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 140 of 2021 registered for the offence under Sections 30(a) of the Bihar Prohibition and Excise Act.



Recovery is of 2684.250 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in this case merely on the confessional statement of the co-accused, namely, Lalan Kumar. Except confession of the co-accused, no cogent material has come against the petitioner. Charge-sheet has also been submitted in this case. The petitioner is rotting in judicial custody since 05.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having one more case of similar nature.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 2nd Additional Sessions Judge -cum- Special Judge, Excise, Gopalganj in connection with Kuchaikote P.S. Case No. 140 of 2021 with the following conditions:-

(1) 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 canceled by the Court below.

(2) 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.

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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