

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2209 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- JADOPUR District- Gopalganj

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AJAY YADAV son of Sri Nathuni Yadav Resident of Village- Sallehpur, P.S.-
Bishambharpur, District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Upendra Yadav, Advocate

For the Opposite Party/s : Mr.Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-04-2021 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 learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Yadopur P.S. Case No. 39/2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that as per the prosecution case, while the informant got secret information that at village Dharmpur near Malheri bank of Gandhak river illicit liquors carrying from Uttar Pradesh were unloaded by some persons, he reached there with other police force and on seeing police eight persons riding on one boat succeeded in fleeing away



leaving two boats. The informant alleged that on search altogether 178.74 liters illegal foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, he has been taken in this case on remand and he is in jail in the present case since 16.09.2020. Learned counsel submits that petitioner has got one case on his head in which he is on bail as stated in paragraph '3' of the present application.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, the allegation and the fact that this petitioner has been taken in this case on remand and he is in jail in the present case since 16.09.2020, investigation against him is complete and the co-accused is said to have been granted bail by this Court in Cr. Misc. No. 218/2021, there is no submission on behalf of the State that the release of the petitioner at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge - 2nd – cum – Special Judge, Excise, Gopalganj, in connection with Yadopur P.S. Case No. 39



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)

Rajeev/-

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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'.

