

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7167 of 2021**

Arising Out of PS. Case No.-299 Year-2020 Thana- NAWADA MUFFASIL District- Nawada

SANOJ KUMAR YADAV @ SANOJ YADAV S/o Ramautar Yadav R/o
Village- Baratpura, P.S.- Muffasil, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Adv.

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

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

2 28-04-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Muffasil P.S. Case No. 299/2020 registered for the offences punishable under Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story in brief is that on receiving a confidential information that an illegal wine factory has been running in the Badhar in between village Isari and Daulatiya, the S.H.O. of Muffasil P.S. along with other police force



proceeded for verification of the same from police station and reached at the place of occurrence at 20.55 hours. It is further alleged that on seeing the police party one person succeeded to flee away taking advantage of darkness. It is further alleged that the two persons were arrested at the spot who disclosed the name of petitioner as the person who managed to escape. Thereafter on search huge quantity of illicit liquor was recovered.

Learned counsel submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that the recovery of illicit liquor is from the boring cabin of the co-accused Congress Kumar and not from the possession of the petitioner. It is submitted that the petitioner has remained in jail in connection with this case since 12.11.2020.

Learned APP 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 illicit liquor is from the boring cabin of the co-accused Congress Kumar and not from the possession of the petitioner, the petitioner has remained in jail in



connection with this case since 12.11.2020, the only case in which he has been earlier involved, his prayer for bail is still pending, considering that the investigation in this case against him is complete and further incarceration of the petitioner is not likely to come in aid of investigation or prosecution, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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, Nawada, in connection with Muffasil P.S. Case No. 299/2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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.

The application stands allowed.

(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'.

