

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.7062 of 2021**

Arising Out of PS. Case No.-233 Year-2020 Thana- FALKA District- Katihar

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RABINDRA YADAV S/O PRAKASH YADAV Resident Of Village - Amaun,
Jhagruchak, P.S. - Falka, District - Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

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

2 17-04-2021 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 Mr. Shailendra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Falka P.S. Case No. 233 of 2020 registered for the offences punishable under Section 420 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per the prosecution story the informant got a secret information that one pickup van is stationed at Gram Saira beside Malik Nahar



Bride loaded with illicit wine. The informant alongwith the police party reached at the spot and saw the pickup van standing near the bridge and four persons were sitting inside the van. On seeing the police the persons tried to flee away but one of them was apprehended by the police. Upon search a total of 1300 illicit wine has been recovered from the said pickup van.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot and he has been implicated in this case on mere suspicion. Learned counsel submits that the petitioner is in jail since 06.10.2020.

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 petitioner is not named in the FIR, he was not arrested on the spot and has been implicated in this case on mere suspicion, he has remained in jail since 06.10.2020 and has completed more than six months of custody, though the petitioner has one criminal antecedent of similar nature, considering that he has remained in jail for over six months, investigation against him is complete and at this stage there is



no submission of the State that release of the petitioner 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 bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Katihar, in connection with Falka P.S. Case No. 233 of 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'.

