

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8714 of 2021**

Arising Out of PS. Case No.-399 Year-2020 Thana- JAYNAGAR District- Madhubani

RAJESH KUMAR YADAV @ RAJESH KUMAR SON OF BUDHAN
YADAV R/O VILLAGE- KAHIKAPUR, P.S.- KALUAHI, DISTRICT-
MADHUBANI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

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

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

2 30-04-2021 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 Mr. Sanjay
Kumar Sharma, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Jai Nagar P.S. Case No. 399 of 2020 registered for
the offences punishable under Sections 414 of the Indian Penal Code
and 30(a) of Bihar Prohibition & Excise Act.

Learned counsel for the petitioner submits that the
petitioner is alleged to have been apprehended with motorcycle and
from the motorcycle total 70 litres illicit liquor has been recovered.

Learned counsel submits that the petitioner is innocent and
has falsely been implicated in the present case. It is submitted that



nothing has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 11.11.2020.

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 allegation of recovery of 70 litres of illicit liquor from the motorcycle and further seizure of the motorcycle is false and concocted story against the petitioner, the petitioner is a student of B.A. Part-I, he is in custody in connection with the present case since 11.11.2020, prior to the present case he had no criminal antecedent, in the nature of the submissions and the materials placed before this Court, this Court directs release of the petitioner above named 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 Additional Sessions Judge II-cum-Special Judge (Excise), Madhubani in connection with Jainagar P.S. Case No. 399 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'

