

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.12861 of 2021**

Arising Out of PS. Case No.-603 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

SAURABH YADAV @ DAURABH KUMAR S/O RAVI YADAV @
RAVINDRA YADAV R/o Kaithma, P.S.- Begusarai Muffasil, District-
Begusarai

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr.Braj Kishore Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2021 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 Begusarai Muffasil P.S. Case No. 603 of

2019 registered for the offences punishable under Section 30(a)

of the Bihar Prohibition & Excise Act, 2016.

As per prosecution story, on getting information

regarding concealment of wine in the field of the village, the

informant rushed to the place and on search in the field of Ram

Pravesh Yadav, 14 cartoons of English wine 375 ml. each and



one cartoon containing 24 bottles total 126 liters of illicit liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the alleged recovery is from the field of the co-accused Ram Pravesh Yadav which was under possession of the co-accused Amresh Yadav. The said Amresh Yadav had already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 11967/2020 (Annexure '2').

Learned A.P.P. 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 alleged recovery is from the field of the co-accused Ram Pravesh Yadav which was under possession of the co-accused Amresh Yadav. The said Amresh Yadav had already been granted bail by learned coordinate Bench of this Court in Cr. Misc. No. 11967/2020 (Annexure '2'). The petitioner has remained in jail in connection with this case for about seven months and prior to the present case the petitioner has no criminal antecedent, however later on he has been made accused in two other cases as stated in paragraph '3' of the application,



in the totality of the circumstances, this court directs release of the petitioner 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 – II – cum – Special Judge, Bihar Prohibition and Excise Act, Begusarai in connection with Begusarai Muffasil P.S. Case No. 603/2019, 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/-

U		T	
---	--	---	--

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'.

