

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10503 of 2021**

Arising Out of PS. Case No.-215 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Purnia

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RAJ KISHOR YADAV SON OF DUKHI YADAV RESIDENT OF
VILLAGE- SONBEHAT P.S.- BIROUL, DIST- DHARBHANGA

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar,Advocate

For the Opposite Party/s : Ms.Sharda Kumari,APP

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

2 21-05-2021 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 Ms.

Sharda Kumari, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with C-I Case No. 215 of 2020 registered for

the offences punishable under Section 37(a) of Bihar Prohibition

and Excise Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story, on secret information, informant along

with other police personnel searched the vehicle from which

total 819 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has no concern with the alleged illicit liquor. The petitioner is in custody since 03.12.2020 having no criminal antecedent.

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 alleged that the petitioner was driving the vehicle from which 819 liters of wine have been recovered but the petitioner is in jail since 03.12.2020, investigation against him is complete and it is not the submission of learned counsel for the State that release of the petitioner at this stage is in any way likely to result in tampering with the evidence or interfering with the course of trial, he has otherwise no criminal antecedent, 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 Special Judge, Excise, Purnea in connection with C-I Case No. 215 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'.

