

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2000 of 2022

Arising Out of PS. Case No.-200 Year-2021 Thana- BRAHMPUR District- Buxar

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Dinesh Yadav Son of Bihari Yadav Resident of Village - Balua, P.S.-
Brahmpur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, APP
For the Opposite Party/s : Mr. Arvind Kr. Pandey(App. 84)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Sunil Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Brahmpur P.S.Case No. 200 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that on
secret information, police party intercepted a tempo from
which 58.860 liters foreign liquor was recovered. It is
alleged that while fleeing from the spot one apprehended



persons disclosed the name of this petitioner.

It is submitted by the learned counsel for the petitioner that petitioner was neither caught on the spot nor any incriminating material has been recovered from his possession. It is also submitted that only on account of the fact that his name was earlier implicated in similar cases as such his name has been implicated in this case which shows the highhandedness of police and Mukhiya, who are hand in gloves with each other. It is also submitted that petitioner is in custody since 16.07.2021, though investigation has already been concluded and charge sheet has been submitted. Petitioner has been made accused in ten other cases mentioned in Para-3 of the application but in all the cases petitioner has been granted bail.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that neither the petitioner was arrested on spot nor any incriminating material has been recovered from conscious possession of the petitioner, moreover, he is in custody since 16.07.2021



and apart from the fact that investigation has already been completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Buxar in connection with Brahmpur P.S. Case No. 200 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J.)

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