

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3955 of 2022**

Arising Out of PS. Case No.-413 Year-2019 Thana- BAIRIYA District- West Champaran

UMESH YADAV, Son of Harishankar Yadav, Resident of Village -  
Bargachhiya, P.S.- Bairiya, Distt.- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

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

3      17-08-2022              Learned counsel for the petitioner undertakes to  
remove all the defects as pointed out by office within two  
weeks.

Heard learned counsel for the petitioner and Mr. Md.  
Fahimuddin, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain  
bail in connection with Bairiya P.S. Case No. 413 of 2019  
registered for the offences punishable under Section 30(a) of the  
Bihar Prohibition and Excise Act, 2016. He is in custody since  
13.10.2020. He has nine criminal antecedent on his head.

Learned counsel for the petitioner submits that earlier  
prayer for bail of the petitioner has been rejected vide order  
dated 02.07.2021 passed in Cr. Misc. No. 17903 of 2021 giving  
liberty to the petitioner to renew his prayer for bail if the trial



remained unconcluded within six months from the date of start of normal functioning of the court below and for no reason attributable to the petitioner.

It is submitted that petitioner is in custody since 13.10.2020 and the trial remains unconcluded for no fault on his part.

Mr. Md. Fahimuddin, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the observation of this Court in its order dated 02.07.2021 passed in Cr. Misc. No. 17903 of 2021 allowing the petitioner to renew his prayer for bail if the trial is not concluded within six months, this Court directs that the petitioner above named be released on bail on furnishing bail bond 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, West Champaran at Bettiah in connection with Bairiya P.S. Case No. 413 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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)**

vats/-

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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'.

