

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5676 of 2022

Arising Out of PS. Case No.-74 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Shailendra Kumar Yadav S/O Lakhan Yadav R/O Chilongiya, P.S.- Kadirganj,
Distt.- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard 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 G.O.Case No. 74 of 2020 for the offences
punishable under Sections 30(a) of Bihar Prohibition &
Excise Act 2016.

As per the prosecution case, it is alleged that on
secret information, Excise Inspector raided the house of co-
accused Sanoj Manjhi and on search being made 72 liters of
Beer was recovered. It is further alleged that in course of



search local people disclosed that the recovered Beer belongs to the petitioner, who used to keep in the house of Sanoj Manjhi.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor anything has been recovered from persons or possession of the petitioner. It is further submitted that seized Beer does not belong to the petitioner and during the course of investigation, no material has come which suggest the complicity of the petitioner in the present case. It is also submitted that prior to institution of the present case, the petitioner has no criminal antecedent but when he was arrested in connection with the present case, he has been remanded in eight other cases which have been mentioned in Paragraph-3 of the application. It is lastly submitted that petitioner is in custody since 25.10.2021.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner was involved in the trade of illicit liquor.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery has



been made from the house of co-accused Sanoj Manjhi and moreover, petitioner is in custody since 25.10.2020, though the investigation has already been concluded and 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, Nawada in connection with G.O.Case No. 74 of 2020 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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