

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5503 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- PARASBIGHA District- Jehanabad

Pappu Yadav, Son of Late Dukhi Yadav, R/O Village- Punit Bigha, P.S.-
Parasbigha, Dist.- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Paras Nath, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Parasbigha P.S. Case No. 104 of 2021 (Excise Case No. 549 of 2021) for the offences punishable under Sections 30(a) (d) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that 50 litres of country made liquor as well as 2000 litres fermented Mahua was recovered from the bank of Dardha river. It is further alleged that on seeing the police party, two persons jumped into the



river, however, they were recognized as Bhura Yadav and this petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. However, the story of the prosecution case appears to be false for the simple reason that the police has not disclosed the source of identification of the petitioner and other, inasmuch as except the suspicion no other material has come, which suggests the complicity of the petitioner in the present case. It is also submitted that co-accused Bhura Yadav, against whom there was similar allegation, has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 67244 of 2021 vide order dated 21.12.2021, the copy of which has been annexed as Annexure-2 to this application. The petitioner is in custody since 29.12.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in six other criminal cases. However, in response to the aforesaid submission, learned counsel for the petitioner submits that the petitioner is on bail in all the cases.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, apart from the fact that the petitioner is in custody since 29.12.2021, though the investigation has already been concluded and charge-sheet has been submitted in this case and moreover the co-accused persons, having similar allegation, has already been granted bail by the learned co-ordinate Bench of this Court and parity also demands the similar treatment, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jehanabad in connection with Parasbigha P.S. Case No. 104 of 2021 (Excise Case No. 549 of 2021) subject to the condition that one of the bailors will be the local residents 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 the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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