

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11705 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- RAJPUR District- Buxar

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GOVIND YADAV @ GOVID KUMAR SON OF HRIDAYA YADAV @
HRIDAY NARAYAN YADAV R/O VILLAGE- MAHADAH, P.S.- BUXAR
(MUFFASIL), DIST.- BUXAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 01-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Rajpur
P.S. Case No. 27 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

As per prosecution case, there is alleged recovery
of 1347.840 litre illicit foreign liquor from the vehicle in
question and apprehended accused Kishan Kumar Gupta
disclosed the name of petitioner and others as fled away
persons.



Learned counsel for the petitioner submits that petitioner is in custody since 22.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that petitioner is not apprehended on the spot and nothing has been recovered from his conscious possession. He further submits that co-accused Kishan Kumar Gupta who was apprehended on the spot has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 30141 of 2021 and the case of present petitioner stands on better footing as he was not arrested on the spot and his name has surfaced on the disclosure of co-accused Kishan Kumar Gupta.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted, keeping in view clean antecedent and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 2nd cum Special Judge Excise, Buxar in



connection with Rajpur P.S. Case No. 27 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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