

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14794 of 2022

Arising Out of PS. Case No.-34 Year-2021 Thana- KAUWAKOL District- Nawada

Lallu Yadav, Son of Lakshmi Yadav, Resident of Village- Guaghoghara
(Guyaghoghara), P.S.- Kawakol (Kawakole), District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Prasad, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-07-2022 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. Arjun Prasad, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Kawakole (Kawakole) P.S. Case No. 34 of 2021 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on a secret information, apprehended three persons, who were coming on three motorcycles. On search being made, total 150



litres of Mahua liquor was recovered from the aforesaid motorcycles. It is further alleged that the spy present at the place of occurrence disclosed the name of this petitioner along with two others.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from his possession and moreover the motorcycle, which were seized do not belong to the petitioner. It is further submitted that the petitioner is in custody since 30.11.2021 and his name has only been implicated because of his past criminal antecedent, though the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found implicated in two other similar kind of 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 his possession, apart from the fact that the he is in custody since 30.11.2021 though the investigation of the crime is already completed and the charge-



sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, 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 Exclusive Special Judge Excise, Nawada in connection with Kawakole (Kawakole) P.S. Case No. 34 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 immediate 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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