

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15033 of 2022

Arising Out of PS. Case No.-588 Year-2020 Thana- RAJAOLI District- Nawada

Bindeshwari Yadav, Son Of Mahavir Yadav @ Mahadev Yadav, R/O Village-Satgir, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 16286 of 2022

Arising Out of PS. Case No.-588 Year-2020 Thana- RAJAOLI District- Nawada

Tahal Singh, S/o Jairam Singh R/o village- Jamundaha, P.S.- Rajouli, District-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 15033 of 2022)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 16286 of 2022)

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Since both the applications arise from Rajauli P.S. Case No. 588 of 2020, as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Rajauli P.S. Case No. 588 of 2020 registered for the alleged offences under Sections 30(a), (d), 37(c) and 41 of the Excise Act.

The prosecution case is that police received secret information about the petitioners and other co-accused persons manufacturing illicit Mahua liquor in the forest of Jamundaha. On raid, 100 litres of country made liquor along with some articles used in preparation of liquor and a motorcycle were seized. The petitioners escaped from the spot.

The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing has been recovered from his conscious possession. Their name came up only in secret information. The petitioners are custody since 24.11.2021 and 24.12.2021 respectively. One of the co-accused have been allowed anticipatory bail vide Cr. Misc. No. 32620 of 2021. Another co-accused Hulej Yadav has been granted regular bail in Cr. Misc. No. 26675 of 2021. The case of the petitioners stand on same footing. It has been further



submitted on behalf of the petitioners that petitioner Bindeshwari Yadav has six cases against him, whereas the petitioner- Tahal Singh has got two cases registered against him. The charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the other co-accused have been granted anticipatory bail as well as regular bail and further considering the fact of filing of charge-sheet and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nawada in connection with Rajauli P.S. Case No. 588 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.



(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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