

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23080 of 2022

Arising Out of PS. Case No.-186 Year-2020 Thana- KATEYA District- Gopalganj

Nagendra Yadav, Son Of Bairister Yadav @ Bayristaor Yadav, R/O- Village-
Majirawa Kala, Tola- Ghuthnaha,P.S.- Fulwariya, Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vyas Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner 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 petitioner seeks bail in connection with Kateya P.S. Case No. 186 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, when a vehicle was signaled to stop, the driver and the co-passenger tried to escape from the car. The driver was apprehended and on search, 270 litres of country made liquor was recovered. The apprehended co-accused named this petitioner, who escaped away from the



vehicle and also stated that the vehicle belongs to this petitioner.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case only on the basis of suspicion. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Except for the statement of co-accused, there is nothing against the petitioner. The petitioner has no knowledge about the seized contraband or the vehicle. He is in custody since 20.01.2022 and charge-sheet has been submitted in this case. Regarding the criminal antecedent of this petitioner, learned counsel submits that prior to registration of FIR in this case, the petitioner was accused in six other cases. Seven cases have been registered after lodging of FIR in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in thirteen cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and was named by co-accused and notwithstanding his criminal antecedent and further considering the submission of charge-sheet and the period of custody of the petitioner, the petitioner above named is directed to be released



on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Additional District and Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj in connection with Kateya P.S. Case No. 186 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 Bairister Yadav, father of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

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

(Arun Kumar Jha, J)

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