

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23102 of 2022

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

Rajesh Kumar @ Rajiv Yadav S/o Mahendra Yadav R/o village- Guagoghara,
P.S.- Kawakol, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.

For the Opposite Party/s : Mr. N.K. Nirala, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Anuj Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kawakol P. S. Case No. 34 of 2021 registered for the offences punishable under Sections 30 (a) of Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the Police, on a secret information, seized three motorcycles and on search being made 150 litres country-made *mahua* liquor was



recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested from the place of occurrence nor any recovery has been made from his person or possession. It is further submitted that the alleged recovered motorcycles as well as illicit country-made liquor do not belong to the petitioner and apart from that this petitioner is in custody since 15.02.2022, 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 name of the petitioner has transpired and his complicity has been found in the present case.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material much less the alleged wine has been recovered from the person or possession of this petitioner and he is in custody since 15.02.2022 and the investigation of the crime is completed and the charge-sheet has been submitted, let the petitioner, above named, 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 Excise Court no.2, Nawada in connection with Kawakol P. S. Case No. 34 of 2021, subject to the condition that one of the bailors will be the close relative 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 step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds



in terms of the above-mentioned order shall not
be delayed for purpose of or in the name of
verification.

(Harish Kumar, J)

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