

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23940 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- ATRI District- Gaya

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Guddu Yadav, S/o Lila Yadav, R/o village- Murobigaha, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Ratan Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 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. Dr. Ratan Kumar, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Atri P.S. Case No. 73 of 2021 registered for the offences punishable under Sections 271, 273 of the Indian Penal Code and Section 30(a) and (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that on a confidential information that some persons are engaged in making illegal liquor, the police raided the village Mudobigha



and on seeing the police party, accused persons fled away. The local residents disclosed the name of the persons, who fled away from the spot, as Guddu Yadav, along with other accused persons. On search being made 40 litres of country made liquor and other utensils and apparatus allegedly used for preparing liquor were seized.

It is submitted by the learned counsel appearing on behalf of the petitioner that neither the petitioner was arrested at the spot nor any incriminating material has been recovered and so far as the alleged recovery is concerned, the same has been made from a Paean of Mudobigha, which is a public place, accessible to all. It is submitted that the petitioner is in custody since 09.12.2021 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted. It is next submitted that the place of occurrence (field) does not belong to the petitioner. It is lastly submitted that the co-accused, against whom identical allegation has been levelled, has already been granted bail by the court below itself, the copy of which has been annexed as Annexure-2 to this petition.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was found



involved in preparation of illegal country made liquor.

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 and moreover the place of occurrence does not belong to him and the co-accused person has already been granted bail by the court below itself and the petitioner is in custody since 09.12.2021, apart from the fact that the investigation of the crime is already completed and the charge-sheet has been submitted, 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 Additional Sessions Judge-II-cum-Special Judge (Excise Act), Exclusive Excise Court No.1, Gaya in connection with Atri P.S. Case No. 73 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.

(Harish Kumar, J)

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