

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32425 of 2021**

Arising Out of PS. Case No.-174 Year-2020 Thana- GAYA KOTWALI District- Gaya

RAJESH YADAV S/O LATE VISHNU YADAV R/o Mohalla- Gol Bagicha
(Gabra Par), P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan, Adv

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 21-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Supplementary affidavit has been filed on behalf of
the petitioner to disclose the criminal antecedent of the
petitioner.

The petitioner seeks bail in connection with Kotwali
P.S.Case No.174 of 2020 registered for the offence under
Section 420 of IPC and Section 30(a) of Bihar Prohibition and
Excise Act, 2016.

The prosecution case, in short, is that a raid was
conducted at the house of Rajesh Yadav by the informant
alongwith armed forces on confidential information and on
search 10 bottles of 750 ml. foreign liquor, Rs. 1,17,370/- and
pass book and cheque of different bank recovered from the



house of the petitioner and the same was seized.

Learned counsel appearing for the petitioner submits that it appears from the FIR that the alleged recovery has been made from the house of the petitioner. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.08.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries 17 more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Gaya in connection with Kotwali P.S. Case No.174 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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