

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25950 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- KURTHA District- Jehanabad

Bishram Yadav @ Gardh Babu @ Gaurd Babu Son of Jamuna Singh @
Jamuna Yadav Resident of - Chamandi, Pondil, P.S.- Kurtha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 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. Pritish Kumar Lal, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Kurtha P. S. Case No. 104 of 2021 giving rise to Excise Case No. 726 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



Police, on a secret information that some persons were engaged in trade of illicit wine, apprehended five persons, who were on different motorcycles. On search being made altogether 135 litres country-made wine was recovered from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession. It is further submitted that the name of the petitioner surfaced on confessional statement of co-accused Shiv Shankar Kumar and the said Shiv Shankar Kumar has already been granted bail by this Hon'ble Court in Cr. Misc. No. 61986 of 2021 vide order dated 20.12.2021 and this petitioner is in custody since 02.04.2022 and 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.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the confessional statement of the co-accused person, who has already been granted bail by this Hon'ble Court, 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 Special Excise Court Njo. II, Jehanabad in connection with Kurtha P. S. Case No. 104 of 2021 giving rise to Excise Case No. 726 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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