

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26591 of 2022**

Arising Out of PS. Case No.-2 Year-2019 Thana- MADHEPURA District- Madhepura

Baichan Yadav @ Bechan Yadav Son Of Balram Yadav R/O Village- Mokna,
Ward No.-11, P.S.- Bihra, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 29-07-2022 Heard Mr. Sharda Nand Mishra, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection
with Madhepura P.S. Case No. 02 of 2019 for the offences
punishable under Section 30(a) of the Bihar Prohibition &
Excise Act 2016.

As per the prosecution case ,it is alleged that the
police on a secret information that petitioner and other co-
accused persons were engaged in making and distribution of
illicit liquor, conducted a raid, seeing the police party,
petitioner succeeded to flee away and on search being made
total 20 liters country made liquor was recovered.

Learned counsel appearing on behalf of the petitioner



submits that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person or possession of the petitioner. The alleged recovery has been made from Bamboo orchard which is accessible to all. It is further submitted that the name of the petitioner has been implicated only because of his past criminal antecedent and save and except there is no other material showing complicity of the petitioner in this case. It is next submitted that this petitioner is in custody since 25.03.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the state vehemently oppose the bail application and submits that petitioner has multiple criminal antecedents.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested on the spot nor any incriminating article has been recovered from person or possession of the petitioner. Moreover, petitioner is in custody since 25.03.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted and there is no likelihood of the commencement of the trial in near future, let the petitioner, above named, be released on bail on furnishing bail bonds of



Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge Excise, Madhepura in connection with Madhepura P.S. Case No. 02 of 2019, 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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