

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37965 of 2021**

Arising Out of PS. Case No.-199 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

ANIL YADAV, Son of Ram Bilash Yadav, Resident of Village- Khanethi
Police Station- Sonhan, District- Kaimur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harendra Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 18-01-2022 Heard learned counsel for the petitioner and Mr.
Arun Kumar Pandey, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Excise Case No. 278 of 2020 arising out of Sonhan (Bhabua) P.S. Case No. 199 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act. He is in custody since 19.02.2021 having no criminal antecedent as stated in paragraph '3' of the application.

Learned counsel for the petitioner submits that the F.I.R. has been lodged by a police officer who claims that on secret information that petitioner has kept illegal liquor at his Khalian, he conducted a raid where some villagers had also assembled but they were not ready to become witness. According to the F.I.R., 2352.420 liters of liquor has been



recovered from the bundle of straw which was kept in the Khalihan of the petitioner.

Learned counsel for the petitioner submits that the petitioner has been framed in this case by the Ex-Mukhiya who wanted to deprive the petitioner from contesting the ensuing Panchayat Election which was going to take place only after few months. It is for the political reasons that the petitioner has been involved in this case. Submission is that the Khalihan from where the recovery has been shown no doubt belongs to the family of the petitioner but the situation of the Khalihan is very important inasmuch as the boundary shown in the case diary as well as the statements made in the counter affidavit of the State would show that the Khalihan is situated at a distance of about 1½ km. from the place of the residence of petitioner and in the vicinity all are only agricultural land open to all. It is his submission that the place of occurrence is such that anybody can keep liquor in the field of anybody else and then can inform the police with an intention to falsely implicate him. It is his further submission that considering this aspect only when a counter affidavit is invited from the State, the State has come out with the counter affidavit and in paragraph '8' it is specifically stated that the alleged place of occurrence is about 1 ½ km. away from



the house of the petitioner and that is the abandoned/open place.

It is further submitted that the petitioner contested the Panchayat Election for the post of Mukhiya and he has been elected while in custody.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner ,but considering that the recovery is from a lonely place from where it is not possible for the petitioner to keep vigil as his house is situated at 1 ½ km. away from the said place, the petitioner has got no criminal antecedent and has remained in custody in connection with this case since 19.02.2021 (impugned order seems to have a typographical error showing the judicial custody from 27.02.2021), this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, Kaimur at Bhabua in connection with Excise Case No. 278 of 2020 arising out of Sonhan (Bhabua) P.S. Case No. 199 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

