

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29994 of 2022

Arising Out of PS. Case No.-198 Year-2018 Thana- NAWANAGAR District- Buxar

Bharat Yadav Son of Jagdish Yadav R/O Vill.- Birpur, P.S.- Agiyaon, Dist.-
Bhojpur (Ara).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

Recovery is of total 8510 liters of foreign liquor and
630 box of Exabaar soap.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of co-accused
namely Surendra Singh. He further submits that nothing has



been recovered from the conscious possession of the petitioner, rather the recovery has been made from the open plot situated adjacent to the house of co-accused Surendra Singh and petitioner has no concern at all with the alleged recovery. He further submits that in fact petitioner was not arrested at the spot and similarly situated, co-accused, namely, Tej Narayan Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 03.05.2021 passed in Cr. Misc. No. 8804 of 2021. The petitioner is in custody since 08.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Nawanagar (Sonversa) P.S. Case No. 198 of 2018, subject to 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 absence on two



consecutive dates without sufficient reason, his 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.

3. 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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