

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31299 of 2022

Arising Out of PS. Case No.-2 Year-2022 Thana- HISUWA District- Nawada

1. GUDDU YADAV @ GUDDU PRASAD YADAV S/o Late Kailash Yadav Resident of Village - Hisua Munshi Tola, P.S. - Hisua, District - Nawada.
2. Rahul Kumar S/o Guddu Yadav @ Guddu Prasad Yadav Resident of Village - Hisua Munshi Tola, P.S. - Hisua, District - Nawada.
3. Rajesh Kumar S/o Guddu Yadav @ Guddu Prasad Yadav Resident of Village - Hisua Munshi Tola, P.S. - Hisua, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate.
For the Opposite Party/s : Ms. Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Hisua P. S. Case No. 02 of 2022 registered for the offences punishable under Section 30 (a), 41 of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the police, on a confidential information, raided the house-cum-shop of the petitioners and on search 13.4 litres illicit wine was recovered. It is further alleged that the local persons disclosed the name of the accused persons, who have been found engaged in selling and purchasing of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners were neither arrested at the spot nor any incriminating material has been recovered from their persons or possession. It is further submitted that the alleged recovery has been made from a joint residential house of the petitioners wherein several persons reside and the petitioners cannot be made responsible for the same. It is next submitted only on account of the past criminal antecedent of the petitioners, their names have been implicated in this case. It is also submitted that the petitioner nos. 1 and 3 have one criminal antecedent each, so far petitioner no. 2 is concerned, he has fair antecedent and they are in custody since 28.02.2022 and after completion of the investigation, 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 petitioners were neither arrested at the spot nor any incriminating material has been recovered from their persons or possession and moreover, the recovery has been made from a joint residential house and the petitioners are in custody since 28.02.2022, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Nawada in connection with Hisua P. S. Case No. 02 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They 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, their bail bonds will



liable to be cancelled.

- (v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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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