

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31637 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- SAHARGHAT District- Madhubani

Jay Kumar Yadav, Son of Bhogendra Yadav, Resident of Village- Bairva
(Berba), P.S.- Madhwapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Advocate

Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

Heard Mr. Gagandeo Yadav, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Saharghat P.S. Case No. 36 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that in course of patrolling duty, the police intercepted the petitioner, who was coming on a bike and on search total 18 litres of Nepali liquor



was recovered from a bag, carried by the petitioner

Learned counsel appearing on behalf of the petitioner submits that in fact nothing has been recovered from the person or possession of this petitioner and only on account of some altercation, which took place between the police and the petitioner, the petitioner has been implicated in this case showing the recovery from his possession. It is next submitted that the petitioner bears two past criminal antecedent, though he is on bail in both the cases. It is also submitted that apart from the other infirmities in the seizure list, there is no compliance of Section 100 of the Cr.P.C. It is lastly submitted that the petitioner is in custody since 10.03.2022 and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has also been found involved in two other criminal cases.

Having regard to the submissions made on behalf of the parties and considering the the period of custody and also the fact that the investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood



of commencement of trial in near future, let the petitioner, named above, 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 Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Saharghat P.S. Case No. 36 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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