

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32096 of 2022

Arising Out of PS. Case No.-97 Year-2021 Thana- AANDAR District- Siwan

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Guddu Yadav @ Priyanshu Kumar @ Guddu Kumar, Son of Dina Yadav @
Dinanath Yadav, Resident of Village- Sultanpur, Police Station- Andar,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

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

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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. Raghav Prasad, 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 Andar P.S. Case No. 97 of 2021 registered for
the offence punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, it is alleged that in course of
vehicle checking, the police on a secret information, raided the
orchard and on search total 252 litres of country made liquor
was seized. It is further alleged that on noticing the police party,



one person succeeded in fleeing away and his name has been disclosed as Guddu Yadav @ Priyanshu Kumar @ Guddu Kumar.

Learned counsel appearing on behalf of the petitioner, at the outset, submits that in fact earlier the anticipatory bail application in connection with the present case was filed before this Court and the Hon'ble Court having heard the parties has been pleased to grant bail in Cr. Misc. No. 68416 of 2021 vide order dated 29.04.2021. However, since the counsel for the petitioner was not informed by his client that during the pendency of anticipatory bail, the petitioner has already been arrested and he has been remanded in this case subsequently, this fact could not be brought to the knowledge of the Court, the anticipatory bail was granted. It is further submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the alleged recovery was made from an orchard, which does not belong to the petitioner and considering that aspect of the matter the learned coordinate Bench of this Court has been pleased to grant anticipatory bail to the petitioner. It is next submitted that now the petitioner is in custody since 15.02.2022 and apart from the present case, the petitioner is named in two other criminal cases,



in which the petitioner is on bail.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and the alleged recovery has been made from an orchard and moreover this petitioner is in custody since 15.02.2022, 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 Special Excise Court No.-I, Siwan in connection with Andar P.S. Case No. 97 of 2021, 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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