

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36661 of 2022

Arising Out of PS. Case No.-288 Year-2021 Thana- RAJAOLI District- Nawada

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UMESH YADAV SON OF KRISH YADAV Resident of Village- Bharra, P.S.-
Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate.
For the Opposite Party/s : Ms. Sucheta Yadav, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Devendra Prasad Singh, learned counsel

for the petitioner as well as learned Additional Public Prosecutor

for the State through video conference.

The application for grant of bail to the petitioner,

above named, who has been made accused and put behind the

bar in connection with Rajauli P. S. Case No. 288 of 2021

registered for the offences punishable under Sections 30 (a) &

(d) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, the allegation against

the petitioner is to be involved in trading and manufacturing of



illicit wine. On search, total 2000 litres Jawa Mahua and 200 litres Mahua wine besides the manufacturing articles and one motorcycle were recovered. It is also alleged that the village Choukidar and local people disclosed the name of the accused persons including the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his conscious or constructive possession. The alleged recovery was made from the bank of Kumatari river, which is a public place and accessible to all. It is next submitted that because of the past criminal antecedent, his name has been implicated in this case. It is last submitted that the petitioner is in custody since 31.03.2022.

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 alleged recovery has been made from the bank of a river and moreover, the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his conscious or constructive possession, let the petitioner, above named, be



released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-2, Nawada in connection with Rajauli P. S. Case No. 288 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain 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 step for cancelling 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.

(Harish Kumar, J)

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