

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45099 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- FULKAHA District- Araria

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Pawan Kumar Yadav @ Pawan Yadav S/O Chandradeo Yadav Resident Of
Village- Manikpur, Ward No. -11, P.S.- Fulkaha, District- Araria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to remove

all the defects pointed out by the Stamp Reporter within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking regular bail
in connection with Fulkaha P.S. Case No. 88 of 2020 registered for
the offences punishable under Sections 30(a)/41(i) of Bihar
Prohibition and Excise Act, 2016. He has got 3 cases on his head
and in all those three cases he is on bail. He has remained in
custody in connection with the present case since 27.04.2021.

Learned counsel for the petitioner submits that as per
the prosecution story, the petitioner was coming on a motorcycle
with 4 sacs and on seeing the police party, he tried to flee away
after throwing the sacs. It is submitted that as per the prosecution



story, altogether 360 bottles each containing 300 ml total being 108 liters of Nepali liquor were recovered. The petitioner was not arrested on the spot and nothing has been recovered from his conscious possession.

It is further submitted that the search and seizure has not been done in accordance with law. The petitioner has got three criminal antecedents and in all these three cases he is on bail. So far as the present case is concerned, the petitioner is in custody since 27.04.2021.

Learned APP for the State has opposed the prayer for regular bail of the petitioner and submits that the petitioner has got three criminal antecedents of similar nature.

Having regard to the submissions made on behalf of the petitioner, considering that the petitioner is in custody for about 10 months but he has got three criminal antecedents of similar nature, this Court directs the learned trial court to frame the charge against the petitioner within two months from the date of receipt/communication of this order, thereafter the petitioner above named shall be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Fulkaha P.S. Case No. 88 of 2020, subject to the condition as laid



down under Section 437(3) Cr.P.C.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

