

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37245 of 2022

Arising Out of PS. Case No.-198 Year-2018 Thana- NAWANAGAR District- Buxar

Rajesh Yadav, Son of Kanhaya Yadav @ Kahaya Singh, R/o Vill.- Samosar,
P.S.- Nawanagar (Sonvarsa), Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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 Dr. Kamal Deo Sharma, 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 Nawanagar (Sonvarsa) P.S. Case No. 198 of 2018 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on a secret information that from a truck liquor was being unloaded in the house of Surendra Singh and some small vehicles were lying there and it was suspected that unloaded liquor was carried by the vehicles and



one of the vehicles belongs to the petitioner.

Learned counsel for the petitioner submits that the petitioner being the owner of Pick-Up vehicle No. WB 33C-0584 has been implicated in this case, though the vehicle was running on rent/fare by the driver. He next submits that the petitioner has neither any concern with the alleged recovered wine nor with the crime as alleged. He further submits that the similar co-accused person, having identical allegation, has already been granted bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 2333 of 2019 vide order dated 17.01.2019, a copy of which has been annexed as Annexure 2 to the application. He fairly submits that the vehicle was given to the driver only for carrying of goods and it was a commercial vehicle, but without consent of the petitioner, the driver was found indulged in such activities. He lastly submits that the petitioner, having fair antecedent, is in custody since 10.06.2022

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

Regard being had to the facts that the petitioner happens to be owner of the Pick-Up Van, in question, which was given to the driver for commercial purposes and other co-accused person, having identical allegation, has already been



granted bail by the learned co-ordinate Bench of this Court, 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 Exclusive Special Judge, Excise Court No. 2, Buxar in connection with Nawanagar (Sonvarsa) P.S. Case No. 198 of 2018, 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.

(Harish Kumar, J)

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