

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36787 of 2022

Arising Out of PS. Case No.-171 Year-2020 Thana- GAYA KOTWALI District- Gaya

Rajesh Yadav Son Of Late Vishnu Yadav R/O- Mohalla-Gol Bagicha (Gabra Par) P.S.- Kotwali, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 14-10-2022 This is second application for grant of bail by the applicant against whom Crime No.171 of 2020 is registered with Kotwali Police Station for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Heard the learned counsel appearing for the applicant/accused. He argued that despite lapse of a period of six months there is no progress in the trial and even charge has not been framed.

The learned Additional Public Prosecutor opposed the application by contending that the applicant is having 18 offences registered against him and vague statement is made regarding pendency of the trial.

I have considered the submissions so advanced and



also perused the materials placed before me.

In the raid, conducted by the police on the basis of secret information, 21 liters of illicit liquor came to be seized from the newly constructed house. The applicant was not found on the spot of the incident. According to the prosecution case, the applicant is owner of that house.

Earlier bail application of the applicant was rejected with a direction to the learned trial Court to dispose of the trial within a period of six months. It is reported that as of now the charge has not been framed. The applicant is behind bar from 24.08.2020.

In this view of the matter further pretrial detention of the applicant is not warranted and, therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 171 of 2020 registered with Kotwali Police Station be released on bail on executing P.R. bond of Rs.20,000/- (Rupees Twenty Thousand) on furnishing two sureties of the like amount each to the satisfaction of the Trial Court with the following conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the



facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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