

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38027 of 2022

Arising Out of PS. Case No.-415 Year-2021 Thana- ATRI District- Gaya

RAJU YADAV @ RAJDEO YADAV @ RAJADEV YADAV Son of Late
Nanhak Yadav Resident of village- Chahal Mundera, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party/s : Ms. Gulnar Begum, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Sanjeev Kumar, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Atri P. S. Case No. 415 of 2021 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Sections 30 (a)(d) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner is to be engaged in trade of illicit wine and on search 50 litres illicit



wine, apart from other utensils and apparatus and 3000 litres semi liquid Mahua were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious or constructive possession. It is next submitted the alleged recovery has been made from an open place, which is accessible to all and moreover, the name of the petitioner has been disclosed by the local Choukidar and save and except the disclosure, there is no material against he petitioner. It is further submitted that other similarly situated persons, whose names have already been surfaced in disclosure, they have already been granted bail by learned coordinate Benches of this Court. It is last submitted that the petitioner is in custody since 24.05.2022 and the investigation of the crime is already completed and the charge sheet has been submitted.

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 petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover, the alleged recovery has been



made from an open place, which is accessible to all, 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 Exclusive Special Excise Court No. 1, Gaya in connection with Atri P. S. Case No. 415 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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