

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38256 of 2022

Arising Out of PS. Case No.-408 Year-2018 Thana- KHAIRA District- Jamui

Pawan Yadav @ Pawan Kumar, Son of Baijnath Yadav @ Bhedu Yadav, R/O
Village- Bojhayat, P.S.- Khaira, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khaira P.S. Case No. 408 of 2018 registered for the alleged offences under Sections 341, 323, 307, 504, 279 and 34 of the Indian Penal Code and Sections 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the informant, a person from public, gave a written report that the petitioner and co-accused persons were carrying three sacks on three motorcycles containing illicit country made liquor and they entered into some scuffle with the informant and his family members. The



miscreants assaulted the informant and on shout being made for help, the villagers started assembling and on seeing villagers all the miscreants fled away from there, leaving behind their motorcycles and the illicit liquor. From the three sacks seized by the police total 70 litres of country made liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. The seized motorcycles does not belong to this petitioner. The petitioner is in custody since 31.05.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been made from him and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-



Special Judge Excise-I, Jamui, in connection with Khaira P.S.
Case No. 408 of 2018, subject to the conditions mentioned in
Section 437(3) of the Code of Criminal Procedure and also the
following conditions :

(i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.

(ii) One of the bailors will be the deponent, who
has sworn the affidavit.

(iii) The petitioner will remain present on each
and every date fixed by the court below.

(iv) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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