

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CRIMINAL MISCELLANEOUS No.38931 of 2022**

Arising Out of PS. Case No.-47 Year-2022 Thana- SIWAN CITY District- Siwan

Vishal Yadav @ Vishal Kumar, S/o Late Mithilesh Chaudhary, Resident of Village- Lakshmipur, Andar Dhala, P.S.- Siwan Town, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL ORDER**

2      16-09-2022      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 Mr. Bijay Prakash Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Siwan Town P.S. Case No. 47 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on a secret information conducted raid and apprehended two persons, however, other two persons managed to flee away leaving behind one bag and motorcycle. The apprehended



persons disclosed the name of the petitioner and one another person. On search, total 220 litres of Banti Babli liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. He further submits that the name of the petitioner has been disclosed by the co-accused Arvind Kumar Yadav and the said Arvind Kumar Yadav has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 17010 of 2022 vide order dated 02.06.2022. He next submits that save and except the disclosure made by the co-accused person, there is no material suggesting the complicity of the petitioner in the present crime and moreover, the petitioner, having fair antecedent, is in custody since 21.06.2022, though the investigation of the crime is already completed and charge-sheet has been submitted.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was



neither arrested at the spot nor any incriminating material has been recovered from his person or possession and the co-accused person, on whose disclosure the name of the petitioner has been implicated in this case, has already been granted bail by the learned coordinate Bench of this Court and moreover this petitioner is in custody since 21.06.2022, having clean antecedent, 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 Additional Sessions Judge-cum-Special Judge, Excise Court No.-II, Siwan in connection with Siwan Town P.S. Case No. 47 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically 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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