

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38589 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Viveka Yadav @ Vikawa S/O Pallat Yadav Resident of Village-
Raghunathpur, P.S.- Sahebpur Kamal, District-Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with S.Kamal P.S. Case No.188 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Excise (Prohibition) Amendment Act and 414/120B of the
Indian Penal Code.

As per the prosecution case, the police on a secret
information raided the house of accused persons and on



search total 331.64 liters Indian made foreign liquor was recovered. It is further alleged that the name of the petitioner has been disclosed by co-accused persons, who were apprehended at the spot.

Learned counsel for the petitioner submits that from the FIR, it is evident that the alleged recovery has been made from the house of the co-accused Umi Rai and Mohan Yadav and no recovery has been made from the house of the petitioner. He next submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner and save and except the disclosure made by the co-accused, who was apprehended by the police, there is no other material. He further submits that only because of one past criminal antecedent, his name has been implicated in this case without any material. He further submits that the petitioner is in custody since 03.12.2021 and moreover, investigation of the crime is already been completed and the charge sheet has submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has



found involved in one another case.

Regard being had to the submission of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from person or possession. So far as the recovery is concerned, the same has been made from the house of other co-accused person and the petitioner is in custody since 03.12.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Begusarai in connection with S.Kamal P.S.Case No. 188 of 2020 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 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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