

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48645 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- CHAUSA District- Madhepura

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Ramdeo Yadav, son of Late Basant Prasad Yadav, Resident of Village -
Laulalagan, P.S. - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 08-02-2022 The applicant/accused in Excise Case No. 492 of 2020 arising out of Crime No. 168 of 2020 registered with Chausa Police Station for the offences punishable under Sections 272, 273, 120B and 420 of the Indian Penal Code as well as Section 30(a) of the Bihar Prohibition and Excise Act, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that earlier bail application of the applicant was rejected vide order dated 02.02.2021 passed in Criminal Misc. No. 37218 of 2020 by a coordinate Bench of this Court with an observation that the applicant may renew his prayer for bail after completion of one year. He submits that one year is already over and therefore the instant bail



application is filed. It is further argued that after completion of investigation and during pendency of the trial, further pretrial detention cannot be permitted.

The learned Additional Public Prosecutor opposed the application by contending that 3054 litres of Indian made foreign liquor came to be seized from the house of the applicant.

I have considered the submissions so advanced and also perused the material placed before me.

Earlier bail application of the applicant was rejected considering huge quantity of liquor with a direction that the applicant may renew his request for bail after completion of one year. In a wake, pretrial detention of one year is under this order, which is at Annexure 1 to the instant application.

Be that as it may, now the period of one year is already over. The offence is not exclusively punishable with the life imprisonment.

It is a case of the prosecution that in the raid conducted by the police, 3054 litres of Indian made foreign liquor was seized from the house of the applicant. The opening part of the FIR shows that the illicit liquor was being brought by Nandan Yadav and Pintu Yadav. The FIR also contains



recital that the applicant himself had pointed out his house and informed the police that the liquors were in his house belonging to the accused persons who ran away.

Considering the nature of the evidence collected by the prosecution and for the reasons stated in the forgoing paragraph, it is not possible for this Court to order further pretrial detention of the applicant by rejecting his prayer for bail and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Excise Case No. 492 of 2020 arising out of Crime No. 168 of 2020 registered with Chausa Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount 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.

Bhardwaj/-

(A. M. Badar, J)

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