

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49530 of 2021**

Arising Out of PS. Case No.-50 Year-2021 Thana- ATRI District- Gaya

Awadhesh Yadav, Son of Ramnandan Yadav @ Bhui Yadav, Resident of
Village- Bhawani Bigha, P.S.- Mahkar, District- Gaya. ... Petitioner/s
Versus

The State of Bihar ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Asgher Najmi, Advocate

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 24-06-2022 Learned counsel for the petitioner seeks permission to
make necessary correction in para.1 and prayer portion of this
application.

Permission is accorded.

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. Syed Ashger Najmi, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Atri P.S. Case No. 50 of 2021, for the offences
punishable under Sections 147, 148, 149, 341, 323, 325, 307,
332, 333, 353, 427, 272, 273 of the Indian Penal Code and
Sections 30(a)(d) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information raided the village Hussaina Bigha and



found that a large scale country made liquor was manufacturing there. It is further alleged that on search being made 15 litters country made liquor along with 2500 litters liquid of Mahua, Jaggery and other utensils used for manufacturing wine were recovered. It is further alleged that while making arrest of this petitioner, the local people started pelting stones over the police party due to which some of them sustained injuries.

It is submitted on behalf of learned counsel for the petitioner that the alleged recovery has been made from an open place and the same does not belong to the petitioner. It is also submitted that the seizure list has not been prepared as per the procedure prescribed under the provision of Criminal Procedure Code, inasmuch as this petitioner is in custody since 27.05.2021 and moreover the investigation of the crime has already been completed and charge-sheet has been submitted. It is lastly submitted that in this case, the antecedent report of the petitioner was called for and from the report it appears that the petitioner has got no criminal antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been apprehended from the place, where the illegal wine was being manufactured.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the alleged recovery has been made from an open place accessible to all and



moreover, this petitioner is in custody since 27.05.2021 having no criminal antecedent, though the investigation of the crime has already been concluded and charge-sheet has already been submitted in this case and his presence is not required for interrogation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Gaya in connection with Atri P.S. Case No. 50 of 2021, 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.

(Harish Kumar, J)

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