

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41094 of 2022

Arising Out of PS. Case No.-657 Year-2021 Thana- BRAHMPUR District- Buxar

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Munna Yadav @ Munna Kumar S/O Ramnath Yadav @ Ramnath Singh
Resident of Village- Chhatnwar, P.S.- Krishnabrahm, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate.

For the Opposite Party/s : Mr. Anant Kumar 1, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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. Ravi Shankar Pathak, learned counsel for
the petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Brahmpur P.S. Case No. 657 of 2021, for the
offences punishable under Section 30(a) of the Bihar Prohibition
of Excise Amendment Act, 2018.

The police on a secret information with regard to
storage and selling of liquor by the petitioner along with his
associates raided the house of the petitioner and on search total
450 liters country made liquor was recovered from the hut



situated in front of the house of the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the alleged recovery has been made from the hut situated in front of the house of co-accused Timil Yadav and in fact nothing has been recovered from the conscious or constructive possession of the petitioner. He further submitted that neither the petitioner was apprehended at the spot nor any other material has come suggesting the complicity of the petitioner. Save and except the disclosure made by the *Chaukidar*, there is no other material against the petitioner and moreover, the petitioner is in custody since 20.04.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted. He last submitted that the petitioner is named in three other criminal cases, however, he is on bail in all the cases.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a hut in front of the house of the co-accused and the petitioner and moreover, neither the petitioner was apprehended on the spot nor any incriminating material has



been recovered from his possession and he is in custody since 20.04.2022, 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 Exclusive Special Judge Excise-2nd, Buxar, in connection with Brahmpur P.S. Case No. 657 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.

(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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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