

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40176 of 2022

Arising Out of PS. Case No.-299 Year-2022 Thana- MADANPUR District- Aurangabad

Purnendu Yadav Son Of Ram Prasad Yadav R/O Village- Gewal Bigha, P.S.-
Madanpur, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rakesh Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conference.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Madanpur P. S. Case No. 299 of 2022 registered for the offences punishable under Sections 30 (a) and 37 of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the police, on a confidential information, apprehended four persons including the petitioner, who were carrying bags. On search,



total 7.2 litres country-made liquor was recovered from the possession of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, nothing has been recovered from the person or possession of the petitioner, however, only on account of the past criminal antecedent and some altercation, which took place between the petitioner and the police personnel, the petitioner has been implicated in this case. It is also submitted that the petitioner is a daily-wage labourer to earn his livelihood was present at the place of occurrence for certain other works but the police apprehended him on suspicion and implicated his name. It is further submitted that the investigation of the crime is already completed and the charge sheet has been submitted, though, the petitioner is in custody since 12.06.2022.

On the other hand, learned APP for the State opposes the bail application and submitted that the petitioner is named in three other criminal cases.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the investigation of the crime is already completed and the charge sheet has been submitted and there is no likelihood of



commencement of trial in near future, let the petitioner, above named, 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 Special Judge, Excise, 1st Aurangabad in connection with Madanpur P. S. Case No. 299 of 2022, subject to the condition that one of the bailors will be the close relative 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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