

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40573 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BARH District- Patna

Uday Kumar @ Uday Yadav Son Of Mahesh Yadav Resident of Village -
Hardayal Bigha, P.S.- Belchhi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Kumar, Adv

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 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 Barh P.S. Case No. 183 of 2022 for the
offences punishable under Sections 332, 333, 353, 307/34
of the Indian Penal Code and section 30(a), of the Bihar
Excise (Prohibition) Amendment Act and Section 27 of the
Arms Act.

As per the prosecution case, it is alleged that in
course of patrolling duty, the police saw four persons



carrying two bags and other five persons were standing there. However, noticing the police party the accused persons succeeded in fleeing away and the petitioner and other three persons were identified by the police team and on search 84.500 liters illicit liquor was recovered from two bags.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his person or possession however, on account of his past criminal antecedent, his name has been implicated in this case. He further submits that there is no specific allegation of firing and assaulting has been levelled against the petitioner furthermore, no injury has been caused to any of the police personnel and as such no offence under section 332, 333, 353, 307/34 of the IPC is made out against the petitioner. It is next submitted that the investigation of the crime is already complete and the charge sheet has been submitted and now the petitioner is in custody since 17.04.2022.

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



has multiple criminal antecedent.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from person or possession and save and except the identification made by the police, there is no other material suggesting the complicity of the petitioner in the present crime, Moreover, investigation of the crime is already completed, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Barh in connection with Barh P.S. Case No. 183 of 2022 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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