

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41468 of 2022

Arising Out of PS. Case No.-604 Year-2021 Thana- BHABHUA District- Kaimur (Bhabua)

Arvind Kumar Yadav, S/O Banwari Singh, Resident of Ward No.- 7 Bhabua
Yadav Toli, P.S.- Bhabua, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

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. Tribhuwan Narayan, learned counsel for the petitioners and learned APP for the State, through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Bhabhua P.S. Case No. 604 of 2021 registered for the offence punishable Section 30(a) of the Bihar Prohibition and Excise (Amended) Act-2018.

The police on a secret information raided the house of the petitioner, however, on noticing the police party, the petitioner succeeded in fleeing away and on search 5 litres of Mahuwa liquor was recovered from the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house, where several persons reside and the petitioner cannot be made responsible for the same. However, only on account of the past criminal antecedent, the name of the petitioner has been implicated in this case, though the petitioner is on bail in all the cases, the particulars of which have been mentioned in paragraph no. 3 of the application. He further submits that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his physical conscious possession. He next submits that there is no compliance of Section 100 of the Cr.P.C. as also there is defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act, and, moreover the investigation of the crime is already completed and charge sheet has been submitted and the petitioner surrendered on 05.03.2022 and since then he is in custody.

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 5 litres Mahua liquor was recovered from joint family house and the investigation of



the crime is already completed and charge sheet has been submitted and the petitioner is in custody since 05.03.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-II cum Special Judge, (Excise), Kaimur at Bhabua in connection with Bhabhua P.S. Case No. 604 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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