

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43738 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- KHIJARSARAI District- Gaya

=====

RIPU YADAV @ RINKU YADAV @ VARUN YADAV Son of Binay Yadav
Resident of Village - Birbal Bigha, P.s.- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. N. A. Shamsi, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Khizarsarai P. S. Case No. 22 of 2021 registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that on suspicion, the police apprehended Avikesh Kumar, who was coming on a motorcycle and on search, 30 litres country-made



liquor was recovered. It is also alleged that he disclosed the name of the petitioner as supplier of the country-made liquor.

Learned counsel appearing on behalf of the petitioner submitted that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the apprehended person, there is no other material against petitioner and moreover, the co-accused person, namely, Avikesh Kumar, who was apprehended at the spot, has already been allowed the privilege of bail by the court below itself on 09.03.2021. The petitioner is in custody since 07.03.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is found accused in eleven similar kind of cases as has been mentioned in paragraph no. 3 of this application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the co-accused person, there is no other material against the petitioner,



further the criminal antecedent of a person cannot be the sole ground to keep him behind the bar for indefinite period, 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 Excise Judge, Gaya in connection with Khizarsarai P. S. Case No. 22 of 2021, 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)

shakir/-

U		T	
---	--	---	--

