

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41542 of 2022

Arising Out of PS. Case No.-293 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Akhilesh Kumar Yadav @ Akhilesh, Son of Ganesi Ray, Resident of Village-
Gagaraha, Ketosa Baruari, P.S.- Gaighat, Distt.- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Shekhar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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.Sumit Shekhar Pandey, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Gaighat P.S. Case No. 293 of 2021 registered for the offence punishable under Sections 272, 273, 414, 467, 468, 471/34 and Sections 30 (a)/36/41 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The police on a secret information, intercepted one truck bearing registration no. MH 40N 3850 and two persons, namely, Gopal Damar and Pappu Meda were apprehended at the spot and on search total 5229.720 litres of Indian made foreign



liquor was recovered. On interrogation, the apprehended accused persons disclosed the name of the petitioner as consignee of the liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. However, only on account of one past criminal antecedent of similar nature, the name of the petitioner has been implicated in this case, though the petitioner is on bail in the said case. He next submits that the petitioner has neither any concern with the truck nor with the alleged illicit wine, which is alleged to have been recovered from the place of occurrence. He also submits that now the investigation of the crime is already completed and charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, as he is in custody since 27.04.2022.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested 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 Gopal Damar, who has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 71841 of 2021 vide order dated 18.08.2022, 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 Excise Court No.-1, Muzaffarpur in connection with Gaighat P.S. Case No. 293 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 physically 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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