

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41961 of 2022

Arising Out of PS. Case No.-285 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Ajeet Yadav @ Ajeet Kumar Son of Nago Yadav @ Nageshwar Yadav
Resident of village- Govindpur (Ahok), Dularpur, P.S- Sahebpur Kamal,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr, Binod Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with S. Kamal P.S. Case No. 285 of 2021 for
the offences punishable under Sections 120 (b) of the
Indian Penal Code and section 30(a), of the Bihar Excise
(Prohibition) Amendment Act.

The police on a secret information with regard to
storage of illicit liquor in Panchayat Bhawan, raided the



place of occurrence and on search total 639 liters liquor was recovered and the local witnesses disclosed the name of the persons, including the petitioner engaged in trafficking of illicit liquor.

Learned counsel for the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and only on account of past criminal antecedent his name has been implicated in this case on suspicion, though the petitioner has neither any concern with Panchayat Bhawan nor the illicit recovered liquor. He further submits that even during the course of investigation no other material has come suggesting the complicity of the petitioner and moreover, there is no compliance of section 100(4) of the Cr.P.C, apart from defiance of section 81 and 82 of the Bihar Prohibition & Excise Act. He last submits that the petitioner is in custody since 29.06.2022, the investigation of the crime is already complete and the charge sheet has been submitted. He also submits that other co-accused persons having identical allegation have already been granted bail by this Court.



On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has found involved in two other cases.

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from Panchayat Bhawan which does not belong to the petitioner and the investigation having been complete, he is in custody since 29.06.2022, 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 Begusarai in connection with S.Kamal P.S.Case No. 285 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 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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