

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42728 of 2022**

Arising Out of PS. Case No.-213 Year-2019 Thana- NAWANAGAR District- Buxar

Barud Yadav @ Sonu Yadav, Son of Bijay Narayan Singh, Resident of Village
- Nawa Dera, P.S.- Dumaraw, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rang Nath Choubey, Advocate

For the Opposite Party/s : Mrs.Veena Kumari Jaiswal, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nawanagar P.S. Case No. 213 of 2019 registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, on receiving secret information about unloading of a consignment of illicit liquor from a truck, police started looking out for the said truck and it was found parked at the identified place and some persons were



seen unloading small cartons from it. But no one was apprehended from the spot. During investigation, police came to know about this petitioner along with other co-accused persons named in the FIR who were heading this liquor syndicates which brought the consignment.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. The other similarly placed co-accused persons, namely, Shashi Kant Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.01.2020 passed in Cr. Misc. No. 87146 of 2019, Deepak Singh has been granted bail by a Co-ordinate Bench of this Court vide order dated 12.05.2020 passed in Cr. Misc. No. 3857 of 2020, Shankar Yadav has been granted bail vide order dated 31.03.2022 passed in Cr. Misc. No. 45006 of 2021 and Pappu Yadav has also been granted bail vide order dated 08.04.2022 passed in Cr. Misc. No. 64691 of 2021. The petitioner is in custody since 20.06.2022 and the charge-sheet has been submitted in this case. Learned counsel further submits that though the petitioner has been made accused in four criminal cases, but in all those case, he is on bail.

Learned APP opposes the prayer for bail submitting



that the petitioner heads the syndicate of liquor smugglers and recovery of huge quantity of liquor has been made which was brought by this petitioner. Petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and he was not apprehended from the spot and further considering the grant of bail to other similarly placed co-accused persons and also considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.2, Buxar, in connection with Nawanagar P.S. Case No. 213 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each



and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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