

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42676 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- HASPURA District- Aurangabad

1. Umesh Yadav @ Dhuri Yadav Son of Late Hari Yadav Resident of Village - Girdhari mathiya, P.s.- Haspura, Distt.- Aurangabad, Bihar.
2. Manoj Yadav Son of Saheb Dyal Singh @ Saheb Dayal Yadav Resident of Village - Girdhari mathiya, P.s.- Haspura, Distt.- Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners seek bail in a case registered in connection with Haspura P.S. Case No. 29 of 2022 for the offences punishable under Sections 30(a), (c) of the Bihar Excise (Prohibition) Amendment Act.

The police on a secret information that some persons are engaged in storage of Mahua liquor conducted raid and in course of search total 400 liters Jawa Mahua



liquor and 7 liters country made liquor was recovered. It is also alleged that on noticing the police party, the petitioners succeeded in fleeing away.

Learned counsel for the petitioners submits that the petitioners were neither apprehended at the spot nor any incriminating article has been recovered from their person or possession. However, from the FIR, it would be evident that recovery has been made from an open place and petitioners are in custody since 09.06.2022 and 03.06.2022 respectively and moreover, the investigation of the crime is already complete and the charge sheet has been submitted and as such keeping the petitioners behind the bar would serve no purpose.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioners have been named in one other criminal case of similar nature.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioners were neither apprehended at the spot nor any incriminating material has been recovered from their person or possession



and moreover, petitioners are in custody since three months, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Excise-II Aurangabad, Bihar in connection with Haspura P.S. Case No. 29 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They 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 petitioners and in case at any stage, it is found that the petitioners have concealed his criminal



antecedent, the court below shall take step for cancelling of bail bond of the petitioners. 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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