

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52489 of 2021

Arising Out of PS. Case No.-416 Year-2017 Thana- BARAUNI District- Begusarai

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BIPIN YADAV @ BIPIN KUMAR S/o- MOHAN YADAV Resident of
Village- Bhikharighat, P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Choudhary

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Barauni P.S.
Case No. 416 of 2017 registered for the offences punishable
under Sections 272, 273, 420, 34 of the IPC and Sections
30(a)/38 of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 712 litres of illicit wine from
pickup van of the petitioner.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and has committed no offence



and he has falsely been implicated in the present case. It is further submitted that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from one pickup van. He further submits that co-accused Arun Singh has been granted bail by a co-ordinate Bench of this court vide order dated 11.01.2018 passed in Cr. Misc. No. 62275 of 2017. Petitioner is in custody since 21.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No. 416 of 2017, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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