

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54024 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- KOCHAS District- Rohtas

Awadhesh Yadav @ Awadhesh Singh @ Awadesh Yadav Son Of Ram Janam
Singh R/O Village- Dibhiya Garve, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 13-05-2022 The applicant is an accused in Crime No.79 of 2021 registered with Police Station-Kochas for the offences punishable under Sections 420, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail after filing of the charge sheet.

Heard learned counsel appearing for the applicant and learned Additional Public Prosecutor for the State.

According to the prosecution case, on the basis of secret information regarding illicit liquor, police party conducted raid and found a truck as well as four wheeler vehicle of Hundai Mac parked on the road on 10.06.2021. Some persons standing nearby ran away. However, police apprehended driver of the truck, namely, Mukesh Kumar. The said driver informed that



accused Manmit Singh used to talk with him on the cellphone regarding delivery of the illicit liquor and the said accused is staying at Natraj Hotel along with one Raj Kumar. It is further averred in the FIR that the truck as well as illicit liquor found thereat which was 7983 liters came to be seized. It is averred that upon inquiry from the passersby as well as on the basis of secret information it was revealed that the liquor was brought for serving the purpose of six persons including applicant Awadhesh Yadav.

It is not pointed out as to who informed the police that the consignment was meant for the applicant as well as other accused persons named in the FIR. The source of this information is stated to be secret in the FIR. Investigation of the subject crime is over. Hence, further pretrial detention of the applicant is not warranted and, as such, the orders:-

(i). The application is allowed.

(ii). The applicant/accused in Crime No. 79 of 2021 registered with Police Station-Kochas for the offences punishable under Sections 420, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, be released on bail on executing P.R. bond of Rs.15000/- (Rupees Fifteen Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following



conditions:

- (I). The applicant should not extend any threat, promise or inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.
- (II). The applicant should cooperate the trial in expeditious disposal of the trial against him.
- (III). The applicant should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.
- (IV). The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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