

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44280 of 2022

Arising Out of PS. Case No.-163 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Ajeet Yadav, Son of Late Kedar Yadav, Resident of Village - Raghunathpur,
P.S.- Raghunathpur, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 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 Raghunathpur P.S. Case No. 163 of 2019 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, total 1942.92 litres of liquor was recovered from several vehicles parked near *chath ghat*. The name of the petitioner transpired during investigation as one of the persons who managed to escape from the scene and was involved in trade of illicit liquor.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Nothing material has come up against him even during investigation. Other co-accused persons have been granted anticipatory/regular bail by different co-ordinate Benches of this Court in Cr. Misc. Nos. 71040/2019, 69356/19, 70551 of 2019, 20688/2021 and 79727/2019. The petitioner is in custody since 22.11.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further 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 Additional District Judge-cum-Special Excise Court No.2, Siwan in connection with



Raghunathpur P.S. Case No. 163 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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