

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45553 of 2022

Arising Out of PS. Case No.-251 Year-2021 Thana- MADANPUR District- Aurangabad

Purendra Yadav @ Puran, Son of Ram Prasad Yadav, R/v- Gawal Bigha, P.S-
Madanpur, Dist- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Mithilesh Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Madanpur P.S. Case No. 251 of 2021 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

The police, on a confidential information, raided the house of the petitioner and on search total 13.200 litres of illicit country made liquor was recovered. It is further alleged that on noticing the police party, the entire family members, including the petitioner, fled away.



Learned counsel appearing on behalf of the petitioner submits that the alleged recovery has been made from a joint residential house where several persons reside and the petitioner cannot be held responsible. He next submits that from the seizure list, it is evident that there is no compliance of Section 100 of the Cr.P.C., inasmuch as all the seizure list witnesses are police personnel. He further submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and only on account of past criminal antecedent of the petitioner, his name has been implicated in this case. Moreover the investigation of the crime is complete and charge-sheet has been submitted. The petitioner is in custody since 12.07.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house where several persons reside and moreover this petitioner is in custody since 12.07.2022, apart from the fact that the investigation of the crime is already complete and charge-sheet has been submitted and there is no likelihood of commencement of trial in near



future, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad in connection with Madanpur P.S. Case No. 251 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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 petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

(Harish Kumar, J)

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