

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46482 of 2022

Arising Out of PS. Case No.-414 Year-2021 Thana- WARISLIGANJ District- Nawada

Sanjay Yadav Son Of Late Dukhi Yadav R/O Village- Jhumritiliya, P.S.-
Jhumritiliya, Dist.- Kodarma (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 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. Priya Ranjan, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Warisiliganj P.S. Case No. 414 of 2021, registered for the offences punishable under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016 .

The police on a confidential information raided PACCS Bhawan, at village Manjaur and on search total 1920.345 liters of illicit liquor was recovered. It is further alleged that eight persons, who were present in the PACCS Bhawan, were apprehended.



Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, however, the name of the petitioner has been disclosed by co-accused Arvind Kumar, with whom the petitioner has no connection. He further submits that only on account of his past criminal antecedent his name has been implicated in this case. He also submits that alleged recovery has been made from PACCS Bhawan, which is a public place, accessible to all and the petitioner has neither any concern with the PACCS Bhawan nor with the alleged illicit wine. He next submitted that the investigation of the crime is already complete and the charge-sheet has been submitted and there is no likelihood of commencement of the trial in near future.

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 name of the petitioner has transpired on the disclosure made by co-accused person and moreover, he was was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that the investigation



of the crime is already complete and the charge-sheet has been submitted and moreover the criminal antecedent of a person cannot be the sole ground to keep the person behind the bar for an indefinite period, 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 Sepcial Excise Judge -2, Nawada, in connection with Warisiliganj P.S. Case No. 414 of 2021, subject to the condition that one of the bailors will be a local resident with further conditions which are as follows:-

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

(ii) He will remain 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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