

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46026 of 2022

Arising Out of PS. Case No.-88 Year-2019 Thana- GURUA District- Gaya

1. AMIT KUMAR Son of Ramjatan Yadav Resident of Village - Kasiyadih, P.s.- Amas, Distt.- Gaya (Bihar).
2. Chhotan Yadav @ Parmanand Yadav @ Chhotan Son of Baleshwar Yadav Resident of Village - Kasiyadih, P.s.- Amas, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioners is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Md. Javed Jafar Khan, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioners, above named, who have been made accused and put behind the bar in connection with Gurua P. S. Case No. 88 of 2019 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

As per the prosecution case, it is alleged in course of patrolling duty, the police came to know that an auto is standing at the road in a suspicious circumstances, they reached there and on search total 250 litres country-made liquor was



recovered.

Learned counsel appearing on behalf of the petitioners submitted that the F.I.R. has been instituted against unknown persons, however, during the course of investigation, the name of the petitioners have been surfaced on the confessional statement of co-accused Arvind Kumar Yadav. It is also submitted that the petitioners have neither any concern with the Auto from which recovery has been made nor with the illicit liquor. It is further submitted that the petitioners having fair antecedent, are in custody since 27.03.2022 and save and except, the confessional statement, there is no materials suggesting their complicity of the petitioners in the present crime.

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

Reared being had to the submissions made on behalf of the parties and taking into account the fact that the petitioners are not named in the F.I.R. and save and except the confessional statement, there is no material suggesting the complicity of petitioners in the present crime, apart from the fact that the petitioners having fair antecedent, are in custody since 27.03.2022, let the petitioners, above named, be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya in connection with Gurua P. S. Case No. 88 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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