

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57619 of 2021

Arising Out of PS. Case No.-228 Year-2021 Thana- BUXAR MUFFSIL District- Buxar

Dadan Yadav, S/O Mukh Lal Yadav, R/o village- Lalganj, P.S.- Buxar
Muffasil, Distt.- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr.Ram Priya Saran Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram Priya Saran Singh, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Buxar (M) P.S. Case No. 228 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 22.08.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on confidential information a raid was conducted in the house of Nitish Kumar Yadav and on search 2278 pieces of



under World Whisky, each of 180 ml. and 864 pieces of Super Speed Whisky each of 180 ml. i.e. total 565 liters and 560 ml. illicit English liquor were recovered which were kept under the straw and a person was arrested who disclosed his name as Nitish Kumar Yadav. He also disclosed that liquor was supplied by his uncle Dadan Yadav (the petitioner).

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that no recovery has been made from the conscious possession of the petitioner, the alleged recovery has been made from the house of co-accused Nitish Kumar Yadav.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the illicit liquor, allegedly recovered in this case, was found in the *Bhusa Ghar* of the co-accused Nitish Kumar Yadav and not from the house of the petitioner, the petitioner is in custody since 22.08.2021, investigation against him is complete but the trial is not likely to be concluded in near future and his presence may be secured in course of trial, thus, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the



like amount each to the satisfaction of learned Additional Sessions Judge – II – cum Special Judge, Excise, Buxar in connection with Buxar (M) P.S. Case No. 228 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

