

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58141 of 2021

Arising Out of PS. Case No.-356 Year-2021 Thana- RAJAOLI District- Nawada

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Guddu Yadav Son Of Kulo Yadav @ Kuleshwar Yadav Resident Of Village -
Mohkama, P.S.- Rajauli, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 59355 of 2021

Arising Out of PS. Case No.-356 Year-2021 Thana- RAJAOLI District- Nawada

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Sadhu Yadav @ Jitendra Yadav S/O Ruplal Yadav Resident Of Village -
Mohkama, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58141 of 2021)

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 59355 of 2021)

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 17-08-2022 Heard learned counsel for the petitioners as well

as learned Additional Public Prosecutor for the State .

Both the cases arise out of the same police station

are heard together and are being disposed of by this

common order.

Petitioners seek bail in a case registered in



connection with Rajauli P.S.Case No. 356 of 2021 for the offences punishable under Sections 30(a) (d), 41 of the Bihar Prohibition & Excise Act.

At the very outset, learned counsel for the petitioner in Cr. Misc. No. 58141 of 2021 filed supplementary affidavit stating therein that due to inadvertence in Paragraph-3 of the petition it has been mentioned that petitioner is named in only one case however, he has been informed that petitioner is named in two cases and as such the details of which has been mentioned in supplementary affidavit.

As per the prosecution case, it is alleged that the police on a confidential information some persons are engaged in manufacturing country made liquor, police conducted raid and apprehended four persons, who were coming on a motorcycle. It is alleged that on search total 100 liters country made liquor has been recovered from their possession.

It is submitted by the learned counsel for the petitioner that both the petitioners were neither any concerned with the motorcycle nor illicit country made



liquor. It is submitted that on account of altercation which took place between the petitioners and the police officials and because of the past criminal antecedent of the petitioners, their names have been implicated in this case. It is next submitted that the petitioners are in custody since 14.07.2021 and moreover, the investigation of the crime is completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that both the petitioners have found involved in one another case.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioners were neither any concern with the motorcycle nor illicit country made liquor and they are in custody since 14.07.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge Excise, Gaya in connection with Rajauli P.S.Case No. 356 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

(v) The Court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancelling 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.

(Harish Kumar, J)

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