

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58962 of 2021

Arising Out of PS. Case No.-602 Year-2020 Thana- NAWADA District- Nawada

PAPPU YADAV Son of Rambalak Yadav Resident of Village - Gondapur,
P.S.- Nawada, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71402 of 2021

Arising Out of PS. Case No.-602 Year-2020 Thana- NAWADA District- Nawada

ARBIND YADAV Son of Chotan Yadav Resident of Village - Khareedi, P.S.-
Nagar, Distt.- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58962 of 2021)

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 71402 of 2021)

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2022 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners seek bail in a case registered for the
offence under Sections 30(a)(D)(G), 33, 41 and 52 of the Excise
Act.

Recovery is of 5000 liters of Sprit from the Truck.

Learned counsel appearing for the petitioners submits



that the petitioners are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the recovery has been made from the truck in question. He further submits that these petitioners have not been apprehended from the spot nor they have been named in the F.I.R. rather their names transpired in this case on the basis of confessional statement of the co-accused, Arvind Yadav. He further submits that the co-accused, namely, Pinku Yadav @ Chandan Yadav have already been granted bail by a co-ordinate Bench of this Court vide order dated 01.03.2021 passed in Cr. Misc. No. 1063 of 2021. The petitioners are rotting in judicial custody since 20.04.2021 and 07.04.2021, respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioner, namely, Pappu Yadav, carries twenty four cases whereas petitioner, namely, Arbind Yadav carries thirteen cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Nawada P.S. Case No. 602 of 2020 with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that 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 their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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