

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58599 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- ARER District- Madhubani

Umesh Yadav, Son of Yugal Kishore Yadav @ Yugal Yadav, Resident of
Village - Brahmotra (Kokai Tola), P.S.- Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-04-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Arer P.S. Case No. 67 of 2021 for the offences
punishable under Sections 272, 273, 467, 468, 421, 120 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, it is alleged that on a secret
information, the police conducted a raid and seized two Pick-Up
vans. On search from one Pick-Up van altogether 3562.185
litres of foreign liquor and from another Pick-Up van 886 litres



of foreign liquor and 1200 liters Bear was said to be recovered. It is alleged that total 4408.185 liters of foreign liquor and 1200 litres of bear was recovered. It is further alleged that on seeing the police party 15-16 persons, who were assembled there fled away by taking advantage of dark.

Learned counsel for the petitioner submits that though the petitioner has been named in the F.I.R., but he was neither arrested at the place of occurrence nor any incriminating material has been recovered from the person or possession of this petitioner. It is next submitted that there is no compliance of Section 100 of the Cr.P.C. and this petitioner has got clean antecedent and is in custody since 16.08.2021. Learned counsel for the petitioner lastly submits that one of the co-accused Surendra Pandit, who happens to be the driver of one of the Pick-Up van, has already been granted bail earlier by this Court in Cr. Misc. No. 58175 of 2021 vide order dated 07.04.2022, apart from the fact that investigation has already been concluded and charge-sheet has also been submitted.

On the other hand, learned APP appearing for the State opposes the bail application that a huge quantity of illicit liquor/bear has been recovered.

Having heard the learned counsel for the parties and



taking into consideration the fact that the petitioner was neither arrested nor any recovery has been made from his possession. Further this petitioner has no criminal antecedent and he is in custody since 16.08.2021, 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 Additional Sessions Judge-II-cum- Special Judge, Excise Act, Madhubani in connection with Arer P.S. Case No. 67 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner 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.

(Harish Kumar, J)

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