

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60394 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- MALI District- Aurangabad

Vinod Yadav, Son of Late Gopal Yadav, Resident of Village- Sonauri, P.S.-
Mali, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-04-2022 Learned counsel for the petitioner is permitted to remove the 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 Mali P.S. Case No. 95 of 2020 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the police on a secret information raided a brick-kiln from where one Hyundai car and one Hero Splender Motorcycle have been seized. On search of the car and other places altogether 106.5 litres of illicit liquor was recovered. It is further alleged that at



the place of occurrence three persons were apprehended by the police, who disclosed the name of this petitioner and accordingly, the name of the petitioner has been implicated in this case.

It is submitted on behalf of the petitioner that this petitioner was neither arrested at the spot nor he has any concern with the alleged recovered vehicle or contraband liquor recovered from the vehicle and other places. It is next submitted that the petitioner has got clean antecedent and is in custody since 26.08.2021 and apart from the statement of the co-accused, no material has come during the course of investigation, which suggest the complicity of the petitioner in the present case. It is lastly submitted that the investigation has already been concluded and charge-sheet has also been submitted in this case.

On the other hand, learned APP for the State opposes the prayer for bail of the petitioner and submits that the name of the petitioner has transpired on the confessional statement of co-accused.

Having heard the learned counsel for the parties and taking into consideration this fact that the petitioner was neither arrested at the spot nor any incriminating article has been



recovered from the possession of the petitioner and, moreover, the petitioner having no criminal antecedent and he is in custody since 26.08.2021, 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 learned Additional Sessions Judge-II –cum- Special Judge (Excise), Aurangabad in connection with Mali P.S. Case No. 95 of 2020 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)

uday/-

U		T	
---	--	---	--

