

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59702 of 2021

Arising Out of PS. Case No.-275 Year-2021 Thana- UCHKAGAON District- Gopalganj

Balindra Yadav S/o Late Kishori Chaudhary Resident of Village- Siswania,
P.S.- Uchakagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Unchakagaon P.S.Case No. 275 of 2021 for the offences
punishable under Sections 30(a), 37(b)(c) of the Bihar
Prohibition & Exise Act 2018

As per the prosecution case, it is alleged that while the
police was on patrolling duty, he saw two persons were standing
with Jhola and on seeing the police party one person started to
fleeing away and one person was apprehended by the police.

Learned counsel for the petitioner submits that the
name of the petitioner has come on the statement of co-accused



Krishan Sah and, thereafter, he has been implicated in the present case. It is submitted on behalf of the petitioner that this petitioner has not been arrested at the spot and infact arrest of this petitioner has been made from his house and no incriminating article has been recovered either from physical possession or from the house of the petitioner. As per F.I.R it is evident that there is recovery of 800 ml wine from possession of co-accused Krishna Sah. It is next submitted that though petitioner has been found involved in three other case, however in all the cases the petitioner is on bail.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that, nothing has been recovered from possession of this petitioner and he is in custody since 12.09.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Gopalganj in connection with Unchakagaon P.S.Case No. 275 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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