

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.60720 of 2021

Arising Out of PS. Case No.-122 Year-2021 Thana- BRAHMPUR District- Buxar

Rajesh Yadav @ Chai @ Chayi Yadav S/o Govardhan Yadav Resident of
Village- Mahuar, P.S.- Brahmpur (Nainijor), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate.

For the Opposite Party/s : Ms. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 15-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application for grant of regular bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Brahmpur (Nainijor) P. S. Case No. 122 of 2021 registered for the offences punishable under Sections 420, 414, 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that while the Police party was on patrolling, they intercepted one red coloured Santro Car and a motorcycle. From the car two persons were apprehended, later on, they disclosed the name of the petitioner. On search, 182 liters foreign liquor was recovered from the car. It is further alleged that one mobile phone and a motorcycle left by the miscreants, was also recovered from the place of occurrence.

Learned counsel for the petitioner submits that the petitioner was neither arrested on the spot nor any incriminating



material has been recovered from the possession of this petitioner. It is also submitted that the name of the petitioner has come on the basis of the statement of co-accused Nanhak Thakur, who has already been granted bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 38371 of 2021 vide order dated 24.09.2021. It is lastly submitted that the petitioner has no concern with the seized vehicles nor with the recovered illicit wine. Only because of the antecedent, the name of the petitioner has been implicated in the present case by the Police and this petitioner is in custody since 20.08.2021.

On the other hand, learned APP for the State opposes the bail application and draws the attention of this Court towards the criminal antecedent of the petitioner, as he is found to be involved in four other cases, which are similar in nature.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the possession of this petitioner. Apart from the fact that the petitioner has no concern with the seized vehicles nor with the recovered illicit wine. The petitioner is in custody since 28.08.2021, though the investigation has already been concluded, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Buxar in connection with Brahmpur (Nainijor) P. S. Case No. 122 of 2021, subject to the condition that one of the bailors will be the close relative 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)

Shakir/-

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

