

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61182 of 2021**

Arising Out of PS. Case No.-38 Year-2021 Thana- RISIYAP District- Aurangabad

ARUN KUMAR @ ARUN YADAV S/O NARAYAN YADAV R/o village-  
Ajarkab Hasauli, P.S.- Muffasil, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      25-02-2022                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State in virtual court  
proceeding.

Let the defects, as pointed out by the office, be  
removed within four weeks of start of normal functioning of the  
physical court.

Petitioner seeks bail in connection with Rishiup P.S.  
Case No. 38/ 2021, G.R. No. 656/ 2021 registered for the  
offences punishable under Section 30(a) of Bihar Prohibition  
and Excise Amendment Act, 2018.

There is recovery of 375 litres of illicit liquor from  
Alto Car.

Learned counsel for the petitioner submits that  
petitioner has committed no offence and he has falsely been  
implicated in the present case only on the basis that recovery



has been made from the Alto Car and petitioner happens to be owner of the said car. He further submits that in fact, petitioner has already sold the said car to co-accused Ranjit Kumar on 12.02.2021 and date of occurrence is 24.05.2021. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the car in question. He further submits that co-accused Ranjit Kumar, Deepak Kumar and Chandan Kumar have been granted bail by this court vide order dated 03.12.2021 passed in Cr. Misc. No. 38442 of 2021 and the petitioner is in custody since 23.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIInd cum Special Judge, Excise, Aurangabad in connection with Rishiup P.S. Case No. 38/ 2021, G.R. No. 656/ 2021, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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