

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52849 of 2022

Arising Out of PS. Case No.-328 Year-2022 Thana- BARHARA KOTHI District- Purnia

Rajesh Kumar @ Rajesh Kumar Yadav Son of Late Thakur Prasad Yadav
Resident of Village - Shishava, Ward no.03, P.S.- Barhara (Raghuvansh
Nagar), Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Barhara (Raghuvansh Nagar) P.S. Case No. 328
of 2022 registered for the alleged offences under Sections 272
and 273 of the Indian Penal Code and Sections 30(a) and 47 of
the Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, on getting secret information
about some persons involved in trading of illicit liquor, a raid
was conducted in the house of co-accused Konkan Yadav and
from the fodder house of Konkan Yadav, 52.500 litres of India



made foreign liquor was recovered. Thereafter, a similar raid was also conducted in the house of the petitioner Rajesh Kumar Yadav, but was apprehended when he tried to flee away from his house. It is further alleged that during the course of search from the house of the petitioner recovery of 208.695 litres of illicit liquor has been made.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and the liquor was recovered from the fodder house of Konkan Yadav and the petitioner was dragged in this case due to village politics. The co-accused Konkan Yadav has been granted bail by the learned court below. The case of the petitioner is similarly placed. The charge-sheet has been submitted and the petitioner is in custody since 24.07.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and a number of cases are pending against him.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the period of custody of the petitioner along with the submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs.



20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No-2, Purnea in connection with Barhara (Raghuvansh Nagar) P.S. Case No. 328 of 2022 , subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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