

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62989 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- PAKARIBARAW District- Nawada

=====

Gulli Yadav, Son of Krishna Yadav, Resident of Village- Guaghoghara, P.S.-
Kauakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 63099 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- PAKARIBARAW District- Nawada

=====

Mithilesh Yadav @ Mitan Yadav, Son of Krishna Yadav, Resident of Village-
Guaghoghara, P.S.- Kauakole, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62989 of 2021)

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

For the Opposite Party/s : Mrs. Pronoti Singh, APP

(In CRIMINAL MISCELLANEOUS No. 63099 of 2021)

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

For the Opposite Party/s : Mr. Bharat Lal, APP

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-08-2022 Both the bail applications arise out of the same police station case, they have been heard together and are being disposed of by this common order.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard Mr. Anuj Kumar, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Pakribarwan P.S. Case No. 66 of 2021 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police in course of patrolling duty intercepted two motorcycles. However, on noticing the police party, the riders of the motorcycle succeeded in fleeing away. It is further alleged that both the persons were identified by the Chaukidar. On search, from one motorcycle 50 litres of country made liquor and from another motorcycle 5 litres of country made liquor was recovered.

It is submitted by the learned counsel appearing on behalf of the petitioners that the petitioners were neither arrested at the spot nor any incriminating material has been recovered from the conscious possession of the petitioners. It is further submitted that in fact, in course of patrolling the police found two motorcycles parked besides the road, seized the same and on account of some altercation, which took place between the petitioners and the police party, the petitioners have been implicated in the present case showing the recovery of the illicit



liquor on account of past criminal antecedent. It is further submitted that save and except their past criminal antecedent, there is no material, which suggests the complicity of the petitioners in the case. It is also submitted that there are serious irregularities in the preparation of seizure list and the same is in violation of Section 100 of the Cr.P.C. It is lastly submitted that both the petitioners are in custody since 15.07.2021 and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that so far the petitioner of Cr. Misc. No. 62989 of 2021 is concerned, he is having 10 criminal cases, whereas petitioner of Cr. Misc. No. 63099 of 2021 is having seven criminal cases in his name.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioners were neither arrested at the spot nor any incriminating material has been recovered and moreover the petitioners are in custody for more than one year, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, let the petitioners, named above, be released on bail on



furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Pakribarawan P.S. Case No. 66 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain physically present on each and every date of trial till disposal of the case.

(iii) They 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, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioners have concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for



this purpose or in the name of verification.

(Harish Kumar, J)

uday/-

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

