

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65076 of 2021

Arising Out of PS. Case No.-746 Year-2020 Thana- KHAJANCHI HAT District- Purnia

VIKKY YADAV @ RAHUL KUMAR Son of Umakant Resident of Village -
Belwa Kamat, P.s.- Muffasil Rampara, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Sanjeev Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with K. Hat (Sahayak) P. S. Case No. 746 of 2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that on direction of S.D.P.O., Purnia Sadar, the house of the co-accused



Rupesh Kumar Singh was raided and on search, 76.980 litres Indian made foreign liquor was recovered. It is further alleged that co-accused Rupesh Kumar Singh disclosed the name of other co-accused persons including the petitioner as member of the syndicate.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that save and except the disclosure made by the apprehended person, there is no other material, however, only on account of past criminal antecedent, his name has been implicated in this case. It is next submitted that there is other infirmities in the preparation of seizure list and moreover, this petitioner is in custody since 10.06.2021, though after investigation, the charge sheet has been submitted. It is lastly submitted that the co-accused Rupesh Kumar Singh has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 19270 of 2021 vide order dated 25.11.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent in as much as he is named in six



other criminal cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession and moreover, the accused persons in whose possession the recovery has been made has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnia in connection with K. Hat (Sahayak) P. S. Case No. 746 of 2020, 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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