

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65021 of 2021

Arising Out of PS. Case No.-299 Year-2021 Thana- MAIRWAN District- Siwan

JAWAHIR YADAV Son of Late Ramjit Yadav @ Ramjit Ray Resident of
Village - Jalpurwa, P.O.- Mustafabad, P.S.- Goriakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshay Lal Pandit
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 Mairwa P.S. Case No. 299/ 2021 registered for the offences punishable under Sections 272, 273, 420, 120(b) of the IPC and 30(a), 38(i) of the Bihar Prohibition and Excise Act, 2016.

There is recovery of 1207.440 litres of illegal wine.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact, the petitioner has lodged a criminal case vide Goriya Kothi P.S. Case No. 46/ 2015 against the co-accused Umesh Kumar Yadav



and Arvind Kumar, so, they falsely implicated the petitioner in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that co-accused Umesh Kumar Yadav and Arvind Kumar have been granted bail by this court vide order dated 03.03.2022 passed in Cr. Misc. No. 61919 of 2021. He further submits that the police after investigation submitted charge sheet against the petitioner and petitioner is in custody since 24.09.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

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-II cum Special Judge, Excise, Siwan in connection with Mairwa P.S. Case No. 299/ 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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