

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68165 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- BUXAR INDUSTRIAL District- Buxar

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UMESH YADAV Son of Ram Dayal Yadav Resident of Village- Ahirauli,
P.S.- Buxar (Industrial), Distt- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 27-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Buxar
(Industrial) P.S. Case No. 222 of 2020 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 280.440 liters of Special English Wine. It is alleged that
two co-accused persons, namely, Rajesh Chaudhary and
Narsingh Chaudhary were apprehended on the spot and they
disclosed the name of the petitioner and others.

Learned counsel for the petitioner submits that he has



filed supplementary affidavit on the oral direction of this court that the petitioner name has been incorporated by the informant A.S.I. on confidential information but neither found on spot nor arrested there nor recovery of liquor in question was recovered from the possession of the petitioner and he has submitted that in Annexure-2 that the co-accused, namely Rajesh Choudhary and Narsingh Choudhary have already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No.33149/2021 as they are apprehended on spot on the alleged recovery was made from the said co-accused and the case of the petitioner stands on better footing. He further submits that the petitioner is in custody since 07.07.2021 and the petitioner bears criminal antecedent in three cases of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody as well as co-accused, namely, Rajesh Choudhary and Narsingh Choudhary against whom recovery has been made have already been granted bail, charge sheet has already been submitted in this case and also taking into



consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II cum Special Judge, Excise, Buxar, in connection with Buxar (Industrial) P.S. Case No. 222 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

Accordingly, this application stands disposed of.

However, earlier order dated 10.05.2022 of this court has not been complied with by the Superintendent of Excise, Buxar.

Let a reminder be issued to the Superintendent of



Excise, Buxar for compliance of the order dated 10.05.2022.

List this case on 27.06.2022 or after filing of
compliance report whichever is earlier.

(Alok Kumar Pandey, J)

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