

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68540 of 2021

Arising Out of PS. Case No.-12 Year-2019 Thana- RAGHUNATHPUR District- Siwan

Rajesh Yadav Son of Dhebar Yadav Resident of village - Sanni Sonakara
Balpar Kauli, P.S.- Raghunathpur, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 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 Raghunathpur P.S. Case No. 12 of 2019 registered for the offences punishable under Sections 30(a)(c)(d), 38(A), 41(i) of Bihar Prohibition and Excise Act, 2018.

According to prosecution case, total 216 liters whisky was recovered from mustard plant field.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case only on the basis of suspicion. He further submits that it appears from the F.I.R.



itself that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the mustard plant field of Gauri Chaudhary. He further submits that Gauri Chaudhary has not been made accused in the present case. He further submits that petitioner has no concern with the alleged recovery and after investigation police has submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Raju Bin has been granted bail by a co-ordinate Bench of this Court vide order dated 17.12.2021 passed in Cr. Misc. No. 49061 of 2021. The petitioner is in custody since 04.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries two criminal antecedents other than the present one.

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 Raghunathpur P.S. Case No. 12 of 2019, 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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