

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57133 of 2022

Arising Out of PS. Case No.-192 Year-2022 Thana- KOCHAS District- Rohtas

Awadhesh Yadav Son of Ramjanm Singh Resident of Village- Garbhe, P.S.-
Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-11-2022 Heard Id. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Kochas
P.S.(Parsathua O.P) Case No.192 of 2022, registered for the
offence punishable under Section 30 (a) of the Bihar Excise
and Prohibition Act.

As per allegation, 156.6 liters of liquor has been
recorded from an Alto Car, bearing Registration No. DL-5-
CD-0693.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 20.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail in the present matter.

It has further been stated in paragraph no. 3 of the petition that the petitioner has been made accused in one more case, namely, Kochas P.S. Case No. 79 of 2021 dated 10.06.2021.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Id. Exclusive Special Excise Court No.2 – Cum- Additional District and Sessions Judge, Rohtas at Sasaram in connection with Kochas P.S.(Parsathua O.P)



Case No.192 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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