

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69205 of 2021

Arising Out of PS. Case No.-602 Year-2020 Thana- NAWADA District- Nawada

BIPIN YADAV @ KAMLESH KUMAR Son of Isho Yadav Resident of
Village - Gondapur, P.S. - Nawada Town, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Arun,Adv

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Nawada Town P.S.Case No.602 of 2020, registered for the offence under Sections 30(a),30(D),30(G),33,41 and 52 of the Bihar Prohibition and Excise Act.

There is recovery of 5000 liters of illicit spirit from a Truck.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of the confessional



statement of co-accused, namely, Arvind Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the Truck in question and the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that co-accused, namely, Pinku Yadav @ Chandan Yadav, who is named in the FIR, has been granted bail by a Coordinate Bench of this Hon'ble Court vide order 01.03.2021 in Cr. Misc. No. 1063 of 2021 and another co-accused, namely, Ranjeet Prasad @ Ranjeet Kumar, has been granted bail by this Hon'ble Court vide order dated 07.01.2022 in Cr.Misc. No.53044 of 2021. He further submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 15.04.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, 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 learned 2nd Additional Sessions Judge-cum-Special Judge(Excise), Nawada in



connection with Nawada Town P.S.Case No.602 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her 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.

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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