

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72419 of 2021

Arising Out of PS. Case No.-150 Year-2021 Thana- BRAHMPUR District- Buxar

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Dinesh Yadav Son Of Bihari Yadav R/O Village- Balua, P.S.- Brahmpur,
District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-06-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Sunil Kumar, learned counsel for the
petitioner and learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Brahmpur (Nainijor) P. S. Case No. 150
of 2021 registered for the offences punishable under Sections
272, 273 read with Section 34 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition & Excise (Amendment)
Act, 2018.

As per the prosecution case, it is alleged that on



15.03.2021, the Police on confidential information intercepted a Hyundai vehicle bearing registration no. GJ-12-D-8832. However, on seeing the Police party the accused persons left the vehicle and fled away. It is further alleged that on search, total 164.160 litres illicit foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended nor any incriminating material has been recovered from his possession and moreover, the vehicle which is alleged to be apprehended by the Police does not belong to this petitioner. It is next submitted that the petitioner has been remanded in the present case from another case and he is in custody since 16.08.2021. It is also submitted that only because of the fact that the petitioner had enmity with the Mukhiya, who had hand in gloves with the Police personnel, the name of the petitioner has been implicated in altogether ten similar kind of cases, however, out of ten cases, the petitioner is on bail in eight cases. It is lastly submitted that in none of the cases, there is any recovery either from physical, constructive or conscious possession of the petitioner.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has



been found involved in so many cases and as such, he does not deserve the privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended nor any incriminating material has been recovered from the person or possession of this petitioner and moreover, the vehicle from which recovery has been made does not belong to the petitioner and this petitioner is in custody since 16.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Buxar in connection with Brahmpur (Nainijor) P. S. Case No. 150 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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