

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1467 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- RAJAOLI District- Nawada

Bindeshwari Yadav @ Santosh Yadav @ Birendra Yadav S/O Mahadev Yadav
R/O Village- Satgir, P.S.- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Rajauli P.S.Case No. 413 of 2021 for the offences punishable under Sections 30(a) (d) of the Excise Act.

As per the prosecution case, it is alleged that on secret information, that two persons carrying illicit liquor from the motorcycle, intercepted by the police whereupon accused persons tried to fled away but one of the person was caught by the police who disclosed his name as



Bindeshwari Yadav.. On search being made 30 liters of illicit liquor was recovered from possession of the petitioner.

It is submitted by the learned counsel for the petitioner that petitioner is not arrested with the alleged liquor rather the same has been recovered from other place. Petitioner has no concerned with the said liquor. It is further submitted that the alleged motorcycle from which the petitioner is said to be going belongs of one Ajay Singh. Petitioner is in custody since 18.08.2021 moreover, investigation has already been completed and charge sheet has been submitted. It is also submitted that the petitionr has also been made accused in four other cases, which have been mentioned in Para -3 of the application and only because of this antecedent, he has been regularly implicated in other cases.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner was caught on the place of occurrence and the alleged recovery has been made from his conscious possession.



Having heard the rival contentions of the parties and taking into consideration the fact that the recovered motorcycle does not belong to the petitioner and petitioner is in custody since 18.08.2021, apart from the fact that investigation has already been completed and charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Nawada in connection with Rajauli P.S. Case No. 413 of 2021 subject to the condition that one of the bailors will be the close relatives 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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