

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11797 of 2023

Arising Out of PS. Case No.-387 Year-2021 Thana- NAWADA District- Nawada

KAUSHAL YADAV S/O Sharwan Prasad R/O Village- Khemchand Bigha,
P.S- Nawada, 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. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.10.2022 in connection with Nawada (Town) P.S. Case No.
387 of 2021, F.I.R. dated 03.04.2021 for the offences punishable
under Sections 33, 34, 36 of the Excise Act.

Recovery is of 6 (six) empty pouches of 200 ml from
the eastern side of the house of Ramswroop Yadav.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that petitioner is not named in
the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of confessional statement of
Arvind Yadav. He further submits that nothing has been



recovered from the conscious possession or the house of the petitioner and except the confessional statement of the co-accused Arvind Yadav and criminal antecedent of similar nature the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries twenty two criminal antecedents other than the present one but fairly submits that out of twenty two cases petitioner is on bail in ten cases.

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 Exclusive Special Excise Judge-1st, Nawada in connection with Nawada (Town) P.S. Case No. 387 of 2021, 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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