

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21555 of 2023**

Arising Out of PS. Case No.-97 Year-2021 Thana- PARBATTI District- Bhagalpur

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KAILASH YADAV@ KAILASH MANDAL SON OF LATE MAHESH
YADAV RESIDENT OF VILLAGE- LAXMIPUR, PS- ISMAILPUR,
DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Anant Kumar 1

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 05-04-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para 13 of the petition during

course of the day.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Parbatta P.S. Case No. 97 of 2021 registered for the offences

punishable under Section 37 (b)(c) of Bihar Prohibition and

Excise Act, 2018 and Sections 25(1-b)a, 26, 35 of the Arms Act.

As per prosecution case, accusation against the

petitioner is that he was found in drunken condition and nine

live cartridges, one country made pistol as well as one stolen

motorcycle are said to have been recovered from possession of



the petitioner.

Earlier prayer for bail of the petitioner has been rejected vide order dated 23.09.2022 passed in Cr. Misc. No. 13790 of 2022 with observation that petitioner may renew prayer of bail after six months from the date of receipt of said order, if there is no substantial progress in trial.

Learned counsel for the petitioner by referring para-13 of the bail petition submits that charges have been framed against the petitioner and delay in progress of trial is not attributable to the present petitioner who is all along in jail since 06.08.2021. He further submits that six months have already been elapsed after rejection of bail prayer of the petitioner.

The learned A.P.P. for the State does not controvert the submission of learned counsel of the petitioner.

Considering the facts and circumstances of the case as well as submissions made on behalf of the petitioner coupled with period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Bhagalpur in connection with Parbatta P.S. Case



No. 97 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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