

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59462 of 2022

Arising Out of PS. Case No.-391 Year-2022 Thana- BRAHMPUR District- Buxar

Dharmraj Yadav Son Of Ramnath Yadav R/O Village- Chhatanwar, P.S.-
Krishnabrahm, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Shankar Pathak, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Brahmpur (Krishnabrahm) P.S. Case No. 391 of 2022, registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

The police in course of patrolling duty received secret information, that the petitioner is indulged in selling liquor in his house, raided the house of the petitioner and on search total 15 liters wine was recovered.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the fact that the alleged recovery has been made from the joint family house of the petitioner. He further submits that only on account of past criminal antecedent the name of the petitioner has been implicated in this case, only on the disclosure made by Chaukidar, though the petitioner is on bail in all other cases as have been mentioned in Paragraph 3 of the bail petition. He next submits that the petitioner is in custody since 24.08.2022 and moreover the investigation of the crime is already complete and he is ready to give undertaking that he will fully cooperate in the trial.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in thirteen other criminal cases, which shows the involvement of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession and moreover the alleged recovery has been made from the joint



family house of the petitioner, where several person reside, apart from other infirmities in the preparation of the seizure list and moreover the criminal antecedent of a person cannot be the sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, 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 Special Judge Excise Court No.2, Buxar, in connection with Brahmpur (Krishnabrahm) P.S. Case No. 391 of 2022, 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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