

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61207 of 2022**

Arising Out of PS. Case No.-563 Year-2019 Thana- AKBARPUR District- Nawada

Rajendra Yadav, S/O- Late Rohan Yadav @ Sohan Yadav R/O Village-  
Mastanganj, P.S- Akbarpur, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bijendra Kumar

For the Opposite Party/s : Ms. Pronoti Singh

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      20-01-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with Akbarpur P. S. Case No. 563 of 2019, registered for the offences punishable under Sections 30 (a) and 30(d) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 60 liter mahua wine, 40 litres country-made wine and 500 litres mixed ghol were recovered from village - Barki Bad.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered



from the conscious possession of the petitioner. He also submits that the petitioner has no concern with the alleged place of occurrence or the seized articles. He further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr.P.C. He also submits that co-accused, Harkhu Yadav and Munna Yadav have already been enlarged on bail by different Benches of this Court *vide* orders dated 09.07.2021 and 08.06.2022, passed in Cr. Misc. No. 18914 of 2021 and Cr. Misc. No. 9334 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 12.09.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one more case, in which he is on bail.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge 1<sup>st</sup>, Nawada, in connection with Akbarpur P. S. Case No. 563 of 2019, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

skm/-

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