

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72878 of 2023

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

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BIPIN KUMAR @ KAMLESH KUMAR @ BIPIN YADAV SON OF ISHO
YADAV RESIDENT OF VILLAGE- GONDAPUR, P.S- NAWADA,
DISTRICT- NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Atul Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Nawada (Nagar) P.S. Case No. 387 of 2021 registered under Sections 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016 & Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 03.04.2021 by the informant, Bijay Kumar Singh.

3. As per the prosecution story, the police on secret information reached the house of Ramswaroop Yadav and from a vacant land situated on the eastern side, six empty pouches of 200 ml recovered/seized.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that how he has been



implicated in 20 cases by the police. in fact one Arvind Yadav was picked up and he was made to confess whereafter in each and every case, he has been implicated which resulted into his going into custody on 05.04.2021 and is being repeatedly remanded in one after another cases, in this case on 11.10.2022 (para -12

5. Learned APP opposes the prayer for bail stating that he has 20 criminal cases in his belt.

6. Considering the nature of allegation that has come against the petitioner as also his period of custody/remand, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-1st, Nawada in connection with Nawada (Nagar) P.S. Case No. 387 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. If the allegation of the petitioner in the petition is true, it is high time the police head of the district, the S.P. Nawada should look into the matter and see to it whether the accused persons are really involved in the case or are being framed by the police.

9. Let a copy of the order be sent to the office of the S.P. Nawada for his perusal.

(Rajiv Roy, J)

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