

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75405 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- BALIYA District- Begusarai

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Virendra Kumar S/O Raja Gulab Yadav Resident of village- Pokheria
(Pokharia), P.S.- Ballia District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Kumar Bhatnagar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
21.07.2022, in connection with Ballia P.S. Case No. 105 of
2021, F.I.R. dated 18.04.2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act.

Recovery is of 275 cartoons of English wine.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the 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
Robin Kumar. He further submits that it appears from the F.I.R.



as well as seizure list that the petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the open field and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that co-accused person namely Ashok Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 29.07.2022 passed in Cr. Misc. No. 24240 of 2022, another co-accused person namely Robin Kumar @ Robin Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 17.09.2021 passed in Cr. Misc. No. 36910 of 2021, another co-accused person namely Raja Yadav @ Raja Kumar has been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 08.04.2022 passed in Cr. Misc. No. 52607 of 2021, another co-accused person Rupesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.04.2022 passed in Cr. Misc. No. 63976 of 2021 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on



the ground that the petitioner carries one more case other than the present one but fairly submits from paragraph-3 of the bail petition that the petitioner has been granted bail by the learned Court below itself.

Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Judge-II, Begusarai, in connection with Ballia P.S. Case No. 105 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 witness, 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 antecedents, 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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