

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74215 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- RAJAOLI District- Nawada

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SADHU YADAV Son of Ruplal Yadav R/v- Mohkama, P.S.- Rajauli, District-
Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Rajauli
P.S. Case No. 191 of 2021 registered for the offence under
Sections 30(a), (d) and 41 of the Excise Act.

Recovery is of 5000 liters fermented liquor and
other utensils.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the name of
this petitioner transpires in this case on the basis of secret
information received by the police and the petitioner has not
been arrested on the spot. In fact, nothing has been



recovered from the conscious possession of the petitioner. The petitioner has no concern at all with the alleged recovery and the place of occurrence. Moreover, similarly situated co-accused, namely, Sanjay Yadav along with others and Mithlesh Yadav along with others have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.06.2021 and 26.08.2022 passed in Cr. Misc. No. 285 of 2022 and Cr. Misc. No. 22780 of 2022, respectively. He further submits that the petitioner has been remanded in the present case on 23.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court- No.2, Nawada in connection with Rajauli P.S. Case No. 191 of 2021 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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 antecedent, 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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