

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25078 of 2024

Arising Out of PS. Case No.-740 Year-2021 Thana- NAWADA District- Nawada

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KAUSHAL YADAV S/O SHARVAN YADAV R/O VILLAGE- KHEMCH-
ABIGHA, P.O AND P.S- NAWADA, DISTT.- NAWADA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Ratan Bharti, Adv

For the Opposite Party/s: Mr. Jagdhar Prasad APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The prayer for the bail of the petitioner in connection with Nawada (Nagar) P.S. Case No. 740 of 2021 has earlier been rejected vide order dated 11.10.2022 passed in Cr. Misc. No. 38964/2022 with liberty to the petitioner that he may renew his prayer for bail six months after framing of charge.

3. Learned counsel for the petitioner submits that charge has been framed on 07.08.2023 and six months has already been lapsed.

4. Learned APP opposes the prayer for bail and submits that the present case is not the only case of keeping excise material rather petitioner has 21 antecedents and due to selling of spurious liquor some persons have died.



5. Upon perusal of records, it transpires to this Court that the petitioners are running syndicate/organized crime which was not an offence earlier but after enactment of the Bharatiya Nyaya Sanhita, 2023 such type of crime has been recognized as organized crime under Section 111 of Bharatiya Nyaya Sanhita, 2023. Though, in the light of the semi clause, this Section was not functional on the earlier occasion but liberty is hereby granted to the police officials as well as the Trial Court that in case, the petitioner is found involved in such type of crime after 01.07.2024, Section 111 of Bharatiya Nyaya Sanhita, 2023 shall be taken care of.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail after framing of charge, if the charge is not framed yet and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Learned Exclusive Special Excise Judge, 1st Nawada in connection with Nawada (Nagar) P.S. Case No. 740 of 2021 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

7. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are as follows:-

- Nawada town P.S. Case No. 403/2021
- Nawada Sadar P.S. Case No. 372/2021
- Nawada Sadar P.S. Case No. 373/202
- Nawada Kadirganj P.S. Case No. 856/2021



- Nawada Sadar P.S. Case No. 384/2021
- Nawada Sadar P.S. Case No. 385/2021
- Nawada Sadar P.S. Case No.387/2021
- Nawada Sadar P.S. Case No. 682/2021
- Nawada Sadar P.S. Case No. 377/2021
- Nawada Sadar P.S. Case No. 382/2021
- Nawada Sadar P.S. Case No. 375/2021
- Nawada Sadar P.S. Case No. 681/2021
- Nawada Sadar P.S. Case No. 376/2021
- Nawada Sadar P.S. Case No. 383/2021
- Nawada Sadar P.S. Case No. 378/2021
- Nawada Sadar P.S. Case No. 745/2021
- Nawada Sadar P.S. Case No.374/2021
- Nawada Sadar P.S. Case No. 602/2020
- Nawada Sadar P.S. Case No. 679/2021
- Nawada Sadar P.S. Case No.680/2021
- Nawada Sadar P.S. Case No.132/2018

(Dr. Anshuman, J)

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