

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60411 of 2024

Arising Out of PS. Case No.-298 Year-2024 Thana- PAHARPUR District- East Champaran

Raju Yadav S/O Mahendra Yadav R/O Village- Kesari Bazar, P.S.- Ekma,
District- Saran, Bihar. At present Village- Bangra Chowk, P.S- Kotwa,
District- East Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Special Case No. 386 of 2024, arising out of
Paharpur P.S. Case No. 298 of 2024, registered for the offence
punishable under Sections 414 and 30 (a) of the Bihar
Prohibition & Excise Amendment Act, 2022.

3. The police on a tip off trafficking of illicit wine,
conducted vehicle checking and apprehended the petitioner, who
was coming on a motorcycle. On search, total 43.2 liters illicit
liquor was recovered.

4. There is total denial of the allegation of recovery.
Learned Advocate for the petitioner contended that the



petitioner has neither any concern with the motorcycle, in question, nor with the illicit wine. However, only on account of his presence being found at the place of occurrence, his name has been implicated in this case on suspicion. The petitioner has been incarcerated since 21.06.2024, having absolutely fair antecedent. Irrespective of the fact that the alleged recovery has been made from a public road, there is no independent witness and, as such, in defiance of Section 100 of the Cr.P.C. Now, the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is complete and the charge-sheet has been submitted, coupled with the fair antecedent of the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran, Motihari in connection with Special Case No. 386 of 2024, arising out of Paharpur P.S. Case No. 298 of 2024, subject to the



condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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