

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60259 of 2024

Arising Out of PS. Case No.-93 Year-2024 Thana- FULKAHA District- Araria

Vivek Kumar Yadav @ Vivek Yadav Son Of Late Bilo Yadav Resident Of
Village - Manikpur, Ward No. 11, Police Station - Fulkaha, Dist.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. M K Nirala, 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 Fulkaha P.S. Case No. 93 of 2024, registered
for the offence punishable under Sections 30 (a) of the Bihar
Prohibition & Excise Amendment Act, 2018.

3. In course of special patrolling, the police
intercepted the petitioner, who was riding on a motorcycle. On
search, total 42 liters of illicit wine was recovered from the
dicky of the motorcycle.

4. There is total denial of the allegation levelled in the
FIR. Learned Advocate for the petitioner contended that the
implication of the name of the petitioner in the present crime is
only because of his past criminal antecedent, as has been



mentioned in paragraph no. 3 of the bail application. However, the petitioner is on bail in all the cases, the particulars of which is noted in the application. It is next contended that there is other infirmities in the search and seizure. Moreover, the witnesses are none else but the police personnel, though the entire recovery has been made from a public road. It is lastly contended that now the petitioner has been incarcerated since 09.06.2024 and the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying six criminal antecedent over his head, which speaks loud

6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Araria in connection with Fulkaha P.S. Case No. 93 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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