

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64876 of 2024

Arising Out of PS. Case No.-118 Year-2024 Thana- BELDOUR District- Khagaria

Bivash Yadav @ Vibhash Kumar @ Vibhash Yadav, Son of Late Bechan
Yadav, Village- Mali, P.S- Beldaur, Dist.-Khagaria, Bihar, India

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Beldaur P.S. Case No. 118
of 2024 registered for the offence punishable under Sections
25(1-B)a, 26, 35 of the Arms Act and 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is of
manufacturing of illicit wine. The police on a secret information
in course of vehicle checking intercepted three persons who
were coming on a motorcycle. On search, one loaded country
made pistol, live cartridges and five liters illicit country made
liquor were recovered from possession of apprehended persons.



On the basis of the disclosure made by the apprehended persons, the police also conducted raid on a place where manufacturing utensils of illicit liquor were recovered. The apprehended persons also disclosed the name of the petitioner and others as the manufacturer of the said wine.

4. Learned Advocate appearing on behalf of the petitioner contended that the alleged recovery of manufacturing utensils have been made from an open place which is easily accessible to all. Save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner. Co-accused persons who were apprehended by the police alongwith the arms and illicit liquor, they have been allowed the privilege of bail by this Court in Criminal Misc. No. 50498 of 2024 vide order dated 24.07.2024. The reason behind the false implication is said to be the criminal antecedent of the petitioner which runs four in number.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that apart from the petitioner being a habitual offender, his name transpired on the disclosure of the apprehended person.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the alleged manufacturing unit has been found in an open place and other accused persons who were apprehended by the police have been allowed the privilege of regular bail apart from the fact that the investigation of the crime is complete and the chargesheet has been submitted, 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 Special Judge Excise-2nd, Khagaria in connection with Beldaur P.S. Case No. 118 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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