

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67737 of 2024

Arising Out of PS. Case No.-57 Year-2021 Thana- MALAYPUR District- Jamui

Dharamvir Yadav S/o Bipin Yadav R/o vill - Pingara, P.S. - Beldaur, Distt. -
Khagaria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dipak Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-11-2024 Heard Learned Counsel for the petitioner and Learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Malaypur P.S. Case No. 57 of 2021, G.R. No.1043 of 2021 dated 09.04.2021, lodged under Sections 272, 273 and 34 of the Indian Penal Code read with sections 30(a), 36 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution, FIR has been lodged against nine named accused persons other than the present petitioner. Total recovery of 2160 litres of illicit liquor has been recovered which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner is not named in the FIR, but his



name has been figured in this case at subsequent stage of investigation particularly, from the mobile of accused Vikash Kumar Modi @ Vikas Kumar. Counsel further submits that the ingredients of Bihar Prohibition and Excise act is not applicable against the present petitioner. Counsel submits that the said Vikash Kumar Modi has been granted bail by the Co-ordinate Bench of this Court *vide* order dated 09.05.2022 passed in Cr. Misc. No.64564 of 2021. Counsel submits that other accused persons whose case is exactly similar to that of the petitioner has been granted bail by this Court *vide* order dated 08.05.2024 passed in Cr. Misc. No.31344 of 2024.

5. Learned Counsel for the petitioner further submits that one aspect which is necessary to be taken into consideration is that the criminal antecedent of the petitioner. He submits that the criminal antecedent of the petitioner is not clean as there are six criminal cases pending against him in which one case is related to Bihar Prohibition and Excise Act. Counsel further submits that recovery has been made from two vehicles and for that, two different criminal case has been lodged i.e. one is present case and another is Malaypur P.S. Case No.58 of 2021. He submits that save and except these two cases which has been lodged simultaneously on the same day, the criminal antecedent



of the petitioner in excise matter is clean. Counsel submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him. The petitioner is in custody since 29.05.2024.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that it is true that both cases i.e. present case and Malaypur P.S. Case No. 58 of 2021 has been lodged simultaneously on the same day.

7. In the present facts and circumstances of this case, let the petitioner above named be granted bail, but only after framing of charge, if not framed as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases pending against him whose details are mentioned below, and on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Excise Court-I, Jamui in connection with Malaypur P.S. Case No. 57 of 2021, G.R. No.1043 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. Pending cases against the petitioner are as follows:-

- Beldaur P.S. Case No.93 of 2021
- Beldaur P.S. Case No.30 of 2022
- Beldaur P.S. Case No.19 of 2020



- Beldaur P.S. Case No.611 of 2022
- Beldaur P.S. Case No.128 of 2022
- Malaypur P.S. Case No.58 of 2021.

(Dr. Anshuman, J)

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