

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2614 of 2024

Arising Out of PS. Case No.-277 Year-2019 Thana- MIRGANJ District- Gopalganj

Sandeep Yadav @ Sandip Yadav Son of Lal Babu Yadav Resident of Village
Koyaladeva, P.S.- Fulwariya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 23-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has filed the instant application for grant of regular bail in connection with Trial no.329 of 2023 (arising out of Mirganj P.S. Case no.277 of 2019) registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016 and sections 25(1-B)(a), 26 and 35 of the Arms Act.

3. As per the prosecution case, one country made pistol, two cartridges and 2.8 litres of liquor was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was allowed by order dated 17.8.2020 passed in Cr. Misc. no.19841 of 2020, however, due to some miscommunication and lack of proper pairvi in the learned trial Court, by order dated 7.1.2021, the bail bond of the petitioner was cancelled. The petitioner was taken into custody



on 23.11.2023 and has remained in custody for three months.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the petitioner having been enlarged on bail by the earlier order dated 17.8.2020 passed in Cr. Misc. no.19841 of 2020 and after the order of cancellation of bail, the petitioner having remained in custody for 3 months since 23.11.2023, the Court directs the petitioner to be enlarged on bail in connection with Trial no.329 of 2023 (arising out of Mirganj P.S. Case no.277 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IV-cum-Special Excise Court no.II, Gopalganj on the following conditions:

(i) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial Court, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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