

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60274 of 2024

Arising Out of PS. Case No.-47 Year-2024 Thana- VISHAMBHARPUR District- Gopalganj

Aakash Yadav Son of Omprakash Yadav Resident of Khem Matihaniya, P.S.
-Bishambharpur, District -Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-08-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. This is an application for grant of bail to the petitioner, who is in custody in connection with Vishambharpur P.S. Case No. 47 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. The police in course of patrolling intercepted one person who was coming on a motorcycle. However, noticing the police party the motorcycle rider succeeded in fleeing away by leaving the motorcycle. The person was later on identified by the Chowkidar who disclosed his name Akash Yadav (the petitioner). On search, 9 litres of Indian made foreign liquor was recovered from a gunny bag which was tied in the motorcycle.

4. Learned Advocate for the petitioner contended that the petitioner has neither any concern with the motorcycle in



question nor with the illicit wine which is said to have been recovered from a gunny bag. It is next contended that only on account of past criminal antecedent of the petitioner in identical nature of crime, his name has been implicated in this case. Identification of the petitioner by the Chowkidar appears to be suspicious. Moreover, there is other infirmities in the search and seizure, coupled with the fact that the petitioner is in custody since 09.06.2024 and now the investigation of the crime is complete and the charge sheet has been submitted

5. On the other hand, learned APP for the State opposed 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 chargesheet has been submitted, coupled with the fact that the petitioner has no concern with the motorcycle in question from where recovery has been made, let the petitioner, abovenamed, 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 Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court No. II, Gopalganj in connection with Vishambharpur P.S. Case No. 47 of 2024,



subject to the condition that one of the bailors shall be the own/close family members 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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