

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36030 of 2017

Arising Out of PS.Case No. -265 Year- 2016 Thana -HISUA District- NAWADA

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Sanjay Yadav, aged about 56 years, son of Late Dukhi Yadav, Resident of
Village- Nawada Basti, P.S.- Tilaya, District- Koderma.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
11.07.2017 in connection with Hisua P.S. Case No. 265 of 2016
for offences punishable under Sections 30 (a) of the Bihar
Prohibition and Excise Act.

The prosecution case is that huge consignment of
foreign liquor was brought from Hariyana concealed under
medicine carton near Hisua petrol pump on Gaya road in the
night on 18.12.2016 which was seized and seizure list prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R. and his name
surfaced only during investigation of being supplier of illicit



liquor. He submits that he has been remanded from Tilaya P.S. Case No. 12 of 2017, and other co-accused have been granted the privilege of bail by co-ordinate Benches of this Court in Cr. Misc. No. 10020/2017 on 23.03.2017 and Cr. Misc. No. 9136/2017 on 06.03.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the huge consignment of 300 liters of Indian made foreign liquor has been recovered from the medicine cartoons. He submits that the petitioner does not have clean antecedent and is involved in five more cases of similar nature.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on completion of four months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II Nawada in connection with Hisua P.S. Case No. 265 of 2016, subject to the conditions that:

- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned



court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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