

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10608 of 2019

Arising Out of PS. Case No.-113 Year-2018 Thana- KISHANGANJ District- Kishanganj

Shankar Yadav @ Shankar Prasad Yadav, aged about 40 years (Male) Son of Shri Lakshmi Yadav, Resident of Village- Madhopara (Islam Nagar Madhopara), P.S.- Sahayak Khajanchi, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Ahtasham Ali Khan (APP)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 21-02-2019 Heard learned counsel for petitioner and learned counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Special Case No. 40A of 2018, CIS No. 40 of 2019, arising out of Kishanganj P.S. Case No. 113 of 2018 registered for the offences punishable under Sections 30(A) of Bihar Prohibition and Excise Act.

Informant has alleged that on 17.02.2018 at 1:30 P.M. while he was on patrolling duty he saw one person driving scooty with bag, on seeing the police he tried to escape but was apprehended and disclosed his name as Amit Kumar Das and from his possession total 13.2 liters of liquor was recovered.



It has been submitted on behalf of the petitioner that he is innocent and has committed no offence. He has been falsely implicated in this case. Nothing was recovered from his possession. The name of the petitioner has surfaced on the basis of confessional statement of co-accused Amit Kumar Das. Petitioner has no criminal antecedent and is in custody since 29.01.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon 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 2nd-cum-Special Judge (Excise), Kishanganj, in connection with Special Case No. 40A of 2018, CIS No. 40 of 2019, arising out of Kishanganj P.S. Case No. 113 of 2018, subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will



be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

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