

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16871 of 2020

Arising Out of PS. Case No.-324 Year-2019 Thana- HUSSAINGANJ District- Siwan

=====

KRANTI YADAV @ KANTI YADAV Son of Umesh Yadav Resident of
Village - Dahabari, P.S.- Andar, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Sanjay Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 20-10-2020

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273, 420 and 34 of the Indian Penal Code and and Sections 30(a), 38(i) and 41(i) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 345.6 litres illicit liquor from a Scorpio vehicle and 132 liters of illicit liquor from the house of co-accused, Sandeep Chaudhary.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that neither the vehicle nor the house belong to the petitioner. It is further submitted on behalf



of the petitioner that nothing was recovered from his possession or from his house, as such, no offence under Excise Act is made out against him. It is lastly submitted that similarly placed co-accused Chandan Kumar Prasad @ Chandan Kalwar has already been granted bail by a co-ordinate Bench of this Court vide order dated 14.10.2020 passed in Cr. Misc. No.25084 of 2020. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Hussainganj P.S. Case No.324 of 2019 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following 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 properly 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 bond.

(S. Kumar, J)

Sanjay/-

U			
---	--	--	--

