

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15167 of 2021

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

LAL BABU YADAV Son of Ramdeo Yadav Resident of Village - Kaolhata,
P.S.- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar
For the Opposite Party/s : Mr. Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-06-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Tr. No. 3594 of 2020 arising out of Mirganj P.S. Case No. 277 of 2019 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act and under Section 25 (1-b)a 26/35 of the Arms Act.

2.800 liters of illicit country made liquor and two live cartridges is said to have been recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that no



incriminating article has been recovered from the conscious physical possession of the petitioner rather the alleged recovered articles which have been shown to be recovered from the possession of the petitioner is planted by the police to falsely implicate the petitioner in the present case. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that petitioner has been falsely implicated in this case by the police as he is not in the good books of police. Petitioner has one case against him as has been mentioned in para-3 of the present petition in which he is on bail and has been languishing in custody since 16.11.2019.

Petitioner is agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mirganj P.S. Case No. 277 of 2019 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000 (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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