

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19978 of 2021

Arising Out of PS. Case No.-458 Year-2020 Thana- BIHIA District- Bhojpur

RAJESH YADAV Son of Late Chhabila Yadav Resident of Village - Jamua,
P.S. - Bihiya, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh

For the Opposite Party/s : Mr. Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-07-2021 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 Excise Case No. 1954 of 2020 arising out of Bihiya P.S. Case No. 458 of 2020 registered for the offence punishable under Sections 272, 273, 420, 120 (B) of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

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 147 liters of illegal foreign liquor



is said to have been recovered from Pick-up Van. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that petitioner is the driver of the said Pick-up Van and he has no knowledge that was material was loaded in the vehicle. He submits that no compliance of Section 100 Cr.P.C. was made. Petitioner has no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 13.12.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000 (Rupees Ten 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 Excise Case No. 1954 of 2020 arising out of Bihiya P.S. Case No. 458 of 2020 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. 10,000 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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