

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22691 of 2021**

Arising Out of PS. Case No.-42 Year-2019 Thana- RAJAON District- Banka

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Krishna Nand Yadav, Son Of Sargun Prasad Yadav Resident Of Village-
Brahman Tola, P.S. Amarpur, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ehteshamuddin, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Special Excise No. 44/2019 arising out of
Rajoun P.S. Case No. 42/2019 registered for the offences
punishable under Section 30(a)/32(2) & 41 of Bihar Prohibition
and Excise Act, 2016.

As per the prosecution story, while the informant with

other police officials was on routine patrolling duty, in the
meantime, on Car came there with high speed, the police chased

the car but the driver and one another person who were sitting

inside the car managed to escape after leaving the car. It is alleged that on search altogether 170 liters of illicit country made liquor was recovered from the seized car. It is further alleged that the present petitioner is the owner of the seized car.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, nothing has been recovered from the conscious possession of the petitioner, petitioner is languishing in jail in connection with this case since 05.02.2021. Learned counsel submits that petitioner has got one criminal antecedent of similar nature as stated in paragraph '3' of the application in which he is said to be on bail.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Considering the facts and circumstances of the case, petitioner is in custody in connection with this case since 05.02.2021, petitioner has got one criminal antecedent of similar nature as stated in paragraph '3' of the application in which he is said to be on bail, investigation against him is complete, but the trial is not likely to take place in near future, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of

learned Additional Sessions Judge-II, Banka in connection with Special Case Excise Case No. 44 of 2019 arising out of Rajoun P.S. Case No. 42/2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.