

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28284 of 2021

Arising Out of PS. Case No.-126 Year-2020 Thana- SONBERSA District- Sitamarhi

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BHAGYA BABU YADAV @ BHAGYA BABU S/O BIRENDRA YADAV
RESIDENT OF VILLAGE KAPROUL, P.S-RIGA, DISTRICT-SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv.

For the Opposite Party/s : Mr.Dinesh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 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 Sonbarsa P.S. Case No.126 of 2020, registered for the offence punishable under Sections 414, 420, 272, 273 of the IPC and section 30(A) of the Bihar Prohibition and Excise Act.

Altogether 370.71 liters of foreign liquor has been recovered from a truck in the midst of unloading. It is alleged that the apprehended miscreants disclosed that they have to



deliver it to eight persons including the petitioner.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner is not named in the F.I.R. and has been falsely implicated in this case due to dirty village politics. His name came in the case on the basis of confession of co-accused. That the co-accused Satish Gour (driver) has been granted bail by co-ordinate Bench of this Court in Cr. Misc. No.32357 of 2020 dated 11.01.2021. Petitioner has no criminal antecedent as mentioned in para-3 of the bail application and has been languishing in custody since 25.01.2021.

Petitioner is agreed to deposit a sum of Rs. 5000.00/- (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 A.D.J. II cum Special Judge, Excise Act, Sitamarhi, in connection with Sonbarsa P.S. Case No.126 of 2020, with the 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 petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.5,000.00/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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