

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29394 of 2021

Arising Out of PS. Case No.-47 Year-2020 Thana- MAIRWAN District- Siwan

SHIV KUMAR YADAV S/O HRIDAYA YADAV R/O VILLAGE-
PHULWARIA, P.O.-PHULWARIA, P.S.-MAIRWA, DISTRICT-SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Nand Kumar

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.)

2 14-06-2021

Heard learned counsel for the parties.

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

Informant is a police officer who has alleged that during vehicle checking, he saw a truck coming and when he signalled to stop it, two persons tried to flee away but they were nabbed by the police and they disclosed their name as Uttam Kumar and Vikash and from said truck 2943.720 liters foreign liquor was recovered. It is further alleged that apprehended persons disclosed that they are working for Shiv Kumar Yadav (petitioner), and as per his instruction, the liquor was to be

delivered at village Sidhwal.

It has been submitted on behalf of the petitioner that petitioner is innocent and on account of land dispute with his neighbour who is Chawkidar, he has falsely been implicated in this case. 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 Mairwa P.S. Case No.47/2020 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)

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