

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29413 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- RAJAON District- Banka

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KRISHNA NAND YADAV S/O LATE SARYUG YADAV R/o village-
Amarpur, Brahman Tola, P.S.- Amarpur, District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-10-2021 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.

Let the supplementary affidavit be taken on the record.

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 Rajoun P.S. Case No.36 of 2021, Special Excise No.64/2021 registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 22.02.2021. The petitioner has got two criminal antecedent.

As per the prosecution story on 27.01.2021 at about 8.10 pm the informant along with other police personnel was on



patrolling duty in the meantime he received a secret informant that one red colour tempo laden with illicit liquor was coming towards Kakhain more. On receiving this information he reached at the given place and saw that a tempo was coming there and on seeing the police party one person from the tempo managed to escape, but the driver was apprehended by the police who disclosed the name of the person who managed to escape as Krishna Nand Yadav (petitioner). On search from the tempo a total 84 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused and there is no recovery of liquor from his possession. Learned counsel submits that petitioner is in custody in connection with this since 22.02.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case in which it is the submission of learned counsel for the petitioner that the name of the petitioner has transpired in the confessional statement of the co-accused, there is no recovery of liquor from his possession and that he has got two criminal antecedents, however, in both the cases he is on bail and further



that in the present case the petitioner is in custody since 22.02.2021, investigation against him is complete but the trial is not likely to take place in near future, this Court directs that the petitioner above named be released on bail on furnishing 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 Rajoun P.S. Case No.36/2021, Special Excise Case No.64/2021, 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)

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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'.

