

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29791 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- BAUSI District- Purnia

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KANHAI YADAV Son of Bharat Yadav Resident of Village - Atarbel
Ramchaura, P.S. - Singhwara, District - Darbhanga, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh
For the Opposite Party/s : Mr. Nityanand Tiwari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-08-2021 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 a case registered for the offence punishable under Sections 272 & 273 of the Indian Penal Code and Section 30 (a), 41 & 47 of the Bihar Prohibition and Excise Act, 2016.

5650.200 liters of foreign liquor is said to have been recovered from the a truck and the petitioner being driver of the truck was apprehended.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor . He has been falsely implicated in this case by the police. There is violation of Section 100 Cr.P.C. The petitioner happens to be driver of the truck in question and he had no knowledge of keeping of the said liquor in the truck. He was plying the truck at the instruction of his owner. Petitioner has no criminal antecedent and has been languishing in custody since 12.01.2021.

Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty 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 the 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 the learned Court below where the case is pending/successor Court in connection with Special Case



No.39 of 2021, arising out of Baisi P.S. Case No.15 of 2021,
subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated 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 proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.50,000.00 (Rupees Fifty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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