

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32489 of 2021**

Arising Out of PS. Case No.-46 Year-2021 Thana- PURNEA SADAR District- Purnia

CHANDAN YADAV @ CHANDAN KUMAR YADAV S/o Om Prakash
Yadav R/o village- Yadav Tola Damka, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 29-11-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Sadar P.S. Case No. 46 of 2021 registered for the offence under Sections 272, 273, 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 12388.28 liters of foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been



name in the entire F.I.R. rather he has been made accused in this case merely on the ground of confessional statement of the co-accused, namely, Deepak Kumar. Save and except confession, no cogent material has come during course of investigation against the petitioner. Nothing has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Kundan Yadav @ Kundan Kumar Yadav and Avinash Kumar alongwith Yashwant Kumar Singh, having more or less similar allegation, have already been granted bail by a co-ordinate Bench of this Court vide order dated 29.09.2021 and 15.06.2021 passed in Cr. Misc. No. 35224 of 2021 and Cr. Misc. No. 28110 of 2021, respectively. The petitioner is rotting in judicial custody since 24.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that one more case of similar nature is pending against the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Punea in connection with



Sadar P.S. Case No. 46 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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