

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34538 of 2021**

Arising Out of PS. Case No.-407 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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Bullet Yadav @ Bhupendra Yadav Son Of Bidya Choudhary @ Vidhaya
Yadav Resident Of Village- Sareya Ward No.01, P.S.- Gopalganj Town,
District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 21-08-2021 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 Gopalganj Town
P.S. Case No. 407 of 2017 registered for the offence punishable
under Sections 147, 148, 149, 353, 307, 308, 420 of the Indian Penal
Code and Section 27 of the Arms Act and Sections 30 (a), 41 (1) of
the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no
incriminating article has been recovered from the conscious physical



possession of the petitioner rather 2731 liters of foreign liquor is said to have been recovered from the truck. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. Learned counsel for the petitioner submitted that petitioner has no concern with the said truck and the alleged recovered liquor. He further submits that on the basis of confessional statement of co-accused petitioner has falsely been made accused in the present. Petitioner has two criminal antecedents as has been mentioned in para-3 of the present petition and he is languishing in custody since 20.01.2021.

Petitioner is agreed to deposit a sum of Rs. 40,000/- (Rupees Fourty 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 court below where the case is pending in connection with Gopalganj Town P.S. Case No. 407 of 2017 subject to 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 bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 40,000/- (Rupees Fourty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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