

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34609 of 2021

Arising Out of PS. Case No.-102 Year-2021 Thana- RAJAON District- Banka

SANTOSH YADAV, Son of Ambika Yadav, Resident of Village- Khirjan,
Police Station- Rajoun (Navada), District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Adv.

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 Heard learned counsel for the petitioner and learned
APP 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 normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 30 (a) and 32 (2) of the Bihar
Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner
that the petitioner is innocent and has falsely been implicated in
this case. There is no recovery from the conscious possession of
the petitioner, rather there is recovery of total 59.400 liters of
country made liquor from the motorcycle. The said motorcycle



does not belong to the petitioner. The petitioner is languishing in custody since 17.03.2021. The petitioner has got one criminal antecedent in same offence which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the prayer for bail petition.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten 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.

Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to be enlarged 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 Nawada O.P. (Rajoun) P. S. Case No.102/2021; subject to the following conditions:

(i) that one of the bailors will be a close relative of the petitioner, who will be given 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.

(ii) 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.10,000/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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