

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.1951 of 2021

Arising Out of PS. Case No.-75 Year-2019 Thana- HATHAURI District- Samastipur

Kusheshwar Yadav Aged about 36 years Son of Jamun Yadav Resident of
Village - Pohadi, P.S. - Bahera, District – Darbhanga ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party : Mr.A. Dayal, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 08-03-2021 It appears that due to inadvertence, wrong Police

Station case no. ‘Kalyanpur Police Station Case No. 367/2019’

has been mentioned in place of ‘Hathauri Police Station Case

No. 75 of 2019’ in the prayer portion of the bail petition.

Let the prayer portion of the bail petition be corrected
by learned counsel for the petitioner.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the
offence punishable under Section 30a of the Bihar Prohibition
and Excise Act.

As per the prosecution case, 366.660 liters of foreign
liquor has been recovered from a pick up van which was parked
by the side of the road. Said pick up van was registered in the
name of the petitioner.

Learned counsel appearing for the petitioner submits
that though the petitioner is the owner of the vehicle but he had
let out the said vehicle to some other person at the relevant time
and thus he is no way concerned with the alleged recovery. No
incriminating material has been recovered from the conscious



possession of the petitioner and he has not been arrested on the spot. Charge sheet has already been submitted. Petitioner has got clean antecedent as stated in paragraph 3 of the bail petition. Petitioner is in custody since 3.9.2020.

Considering the facts of the case, let the petitioner, above named, 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 Chief Judicial Magistrate, Samastipur in Hathauri Police Station Case No. 75 of 2019 on 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 cancelled 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.

(Prabhat Kumar Singh, J)

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