

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6857 of 2022

Arising Out of PS. Case No.-100 Year-21 Thana- ROSERA District- Samastipur

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AMIT KUMAR YADAV @ AMIT KUMAR Son of Rajendra Yadav Resident
of Village - Mabbi, P.s.- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Rosera
P.S. Case No. 100/2021 registered for the offences punishable
under Sections 272, 273/34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, there is recovery of total 964
liters of foreign liquor from maize field. Petitioner and others
have been alleged to bring a large consignment of liquor by the
Truck and the same is hidden in the maize field.

Learned counsel for the petitioner submits that



petitioner is innocent and has not committed any offence rather he has falsely been implicated in this case. The petitioner is in custody since 30.12.2021 as mentioned in the impugned order and the petitioner bears no criminal antecedent. He further submits that the petitioner was not apprehended on spot and he has no concern either with the said vehicle or recovered liquor. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence. The co-accused, namely, Rajesh Yadav @ Rajesh Kumar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.22826/2022 and the case of the present petitioner stands on better footing so far as criminal history of the present petitioner is concerned.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner, and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Court-I, Samastipur in connection with



Rosera P.S. Case No. 100/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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