

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7885 of 2022

Arising Out of PS. Case No.-377 Year-2020 Thana- GAIGHAT District- Muzaffarpur

PAWAN KUMAR S/O SHAMBHU PRASAD YADAV R/O- AMBEDKAR
NAGAR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR, BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Suresh Pd. Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Sections 272, 273, 467, 468, 471, 120B of the Indian Penal Code and sections 30(a), 36, 41(1) of the Bihar Prohibition and Excise Amendment Act.

Allegedly, 4389.960 liter foreign liquor kept in several cartoons was recovered from a truck and driver of the said truck who was arrested at the spot disclosed implication of the petitioner in the illegal business of the alleged liquor.

The main submissions advanced by learned counsel for the petitioner are that petitioner has one criminal antecedent in which he is on bail and co-accused Lakshmi Yadav, who was implicated by the driver of the said truck, has been granted regular bail by this Court despite of having criminal antecedent



of six criminal cases and one co-accused Abhishek Kumar has been granted anticipatory bail vide order passed in Cr. Misc. no. 53848/2021. Investigation has been completed in respect of the petitioner.

Learned APP has opposed the prayer for bail and submitted that gang of several persons are indulged in illegal business of liquor and the petitioner was a member of the said gang.

Having considered the petitioner's case being similar to co-accused persons who have been granted bail by this Court vide orders passed in the above mentioned miscellaneous cases, let the 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 the Exclusive Special Excise Court No. I, Muzaffarpur in Gaighat P.S. Case No. 377 of 2020 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Bochahan P.S. Case no. 242/2017 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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