

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10773 of 2022**

Arising Out of PS. Case No.-441 Year-2021 Thana- BARHARA KOTHI District- Purnia

Anil Kumar Yadav, son of Bhupendra Prasad Yadav @ Bhupendra Yadav,  
resident of village-Chandpur Bhangha, P.S.-Janki Nagar, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bipin Kumar, Advocate  
For the Opposite Party/s : Mrs. Madhuri Lata, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      01-07-2022                      Heard learned counsel for the petitioner and learned  
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Barhara P.S. Case No. 441 of 2021 registered for the alleged offences under Sections 272/273 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

Allegedly, 350.620 litres of India made foreign liquor was recovered from the tractor, which was being driven by the petitioner and he was apprehended with along with co-accused Dilkhush Rishideo.



The learned counsel for the petitioner submits that the petitioner is merely the owner-cum- driver and he used to give his tractor for hire and the co-accused Kundan Yadav hired the tractor and loaded the contraband without knowledge of the petitioner. The petitioner has no knowledge about the consignment and he is in custody since 22.12.2021. The petitioner has no criminal antecedent.

Learned APP has opposed the prayer for bail made on behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge Court No.2, Purnea in connection with Barhara P.S. Case No. 441 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.



(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

**(Arun Kumar Jha, J)**

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

