

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14537 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- CHANDAN District- Banka

SHARVAN KUMAR YADAV Son of Chandeshwar Yadav Resident of
Village - Baghala Kamalpur, P.s.- Bishanpur, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Iqbal Asif Niazi

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Special Excise Case No. 795 of 2021 arising out of Chandan
P.S. Case No. 176 of 2021 registered for the offences punishable
under Sections 30(a), (g), 32(2) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 234.6 litre illicit country made liquor from vehicle in
question and the said vehicle was being driven by the petitioner
and he was apprehended by the police along with co-accused
Vinod Kumar Yadav.



Learned counsel for the petitioner submits that petitioner is in custody since 14.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner is driver of vehicle in question and he has no knowledge about the illicit liquor kept in the vehicle in question.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Additional Sessions Judge II, Banka in connection with Special Excise Case No. 795 of 2021 arising out of Chandan P.S. Case No. 176 of 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 without appropriate permission, 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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