

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17557 of 2022

Arising Out of PS. Case No.-476 Year-2020 Thana- GARDANIBAG District- Patna

SARVAN KUMAR @ SHAURAV KUMAR YADAV Son of Dev Kumar Rai
Resident of West Saristabad, P.S.- Gardanibagh, at Present Address - West
Saristabad Near Mantu Kumar (Ward Counselor House), P.S.- Gardanibagh,
District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Bihari Singh
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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.

The petitioner seeks bail in connection with
Gardanibagh Case No. 476/2020, Special Case No. 5471/2020
registered for the offences punishable under Sections 30(a), 36
of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 1.800 liters illegal wine from the Scooty in question. The
petitioner was not apprehended on the spot and the local people
disclosed the name of the petitioner who fled away from the
place of occurrence.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The Scooty and the seized wine do not belong to the petitioner. The petitioner is languishing in custody since 02.02.2022 and bears criminal antecedent of seven cases in which six cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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, Excise Court, Patna in connection with Gardanibagh P.S. Case No. 476/2020, Special Case No. 5471/2020, 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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