

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17830 of 2022

Arising Out of PS. Case No.-89 Year-2019 Thana- NAUTAN District- West Champaran

Giri Yadav @ Birendra Yadav Son of Aseshar Yadav, Resident of Village - Ward no.4, Madhuban Bhagwanpur, P.s.- Nautan, Distt.- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Sections 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of total 27.800 liters of country made liquor from the possession of Sattan Yadav.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner was not



apprehended from the spot and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused namely, Pappu Kumar Pandey and Sattan Yadav. He further submits that nothing has been recovered from the conscious possession of the petitioner and similarly situated, co-accused persons namely, Pappu Kumar Pandey and Sattan Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 24.09.2019 passed in Cr. Misc. No. 60516 of 2019. The petitioner is in custody since 18.02.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Court below where the case is pending in connection with Nautan P.S. Case No. 89 of 2019, subject to 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 and shall remain physically present



as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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