

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17838 of 2022

Arising Out of PS. Case No.-67 Year-2022 Thana- NARPATGANJ District- Araria

Jaykrishna Yadav @ Jaikrish Yadav Son of Jivach Yadav Resident of Village -
Bhorhar, P.S.- Fulkaha, Distt.- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Narpatganj (Basmatiya) P.S. Case No. 67 of 2022 lodged under
Sections 272/273 of the I.P.C. read with Section 30(a) of Bihar
Prohibition and Excise Act 2016.

As per the prosecution case, the total recovery of 1161
litres foreign liquor is subject matter of this case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. Learned
counsel for the petitioner submits that the alleged recovery was
not made from his possession rather the said recovery was made

in a Pickup van. Learned counsel for the petitioner submits that on the said date, the petitioner who is local resident went to market to purchase household articles. In the meantime, police has directed him to sign on the paper, upon denial he was implicated in this case. Learned counsel also submits that petitioner is neither owner nor driver of the vehicle. Learned counsel for the petitioner submits that he is in custody since 14.02.2022 having 3 criminal cases pending against him. Learned counsel for the petitioner further submits that charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail and submits that petitioner has criminal antecedent.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 67 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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