

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29895 of 2021**

Arising Out of PS. Case No.-138 Year-2019 Thana- DAWATH District- Rohtas

Kanhaiya Yadav @ Kanhaiya Kumar S/O Bhagwan Yadav R/O Village
Parmeshwarpur , P.S Dawath, District-Rohtas

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Adv
For the Opposite Party/s : Mr.A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 07-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

Recovery is of 332 liters of foreign liquor.

Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case only on the basis of disclosure made by co-accused person, namely, Golu Kumar. He further submits that it appears from the FIR that nothing has been recovered from



conscious possession of the petitioner rather the recovery has been made from the Dalan of Golu Kumar. He further submits that similarly situated co-accused person, namely, Chandan Kumar @ Chandan Soni has been granted privilege of anticipatory bail vide order dated 18.11.2019 by a Coordinate Bench of this Hon'ble Court in Cr. Misc. No.66096 of 2019.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 learned court below where the case is pending in connection with Dawath P.S. Case No. 138 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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/her absence on two consecutive dates without sufficient



reason, his/her 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.

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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