

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22820 of 2022

Arising Out of PS. Case No.-62 Year-2019 Thana- PASRAHA District- Khagaria

Raj Narayan Yadav Son of Late Keshav Nath Yadav Resident of House No.-
370. Sector- 26, Pancharkula, Hariyana, At present No.- 1733, Vikash Nagar
Moli Jhagara, Chandigarh.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Satyendra Narayan Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Pasaraha P.S. Case No. 62 of 2019 for the
offences punishable under Sections 30(a)/38(1) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that on a secret
information the police intercepted various vehicles and on
search being made total 4410 litres of illicit foreign liquor was
recovered from different vehicles.



It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither the owner of the vehicles nor he was arrested at the spot and no incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that the petitioner is only being said to be the owner of Truck No. HR-68-7204, has been made accused in the present case, however the fact is that the said truck was already sold on 18.02.2019 itself, much prior to the alleged offence. It is also submitted that the petitioner is in custody since 07.03.2022 having clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that petitioner is found to be owner of the truck from where recovery has been made.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the truck in question from which alleged recovery has been made had already been sold to some another person prior to the alleged occurrence and this petitioner is a man of fair antecedent and the petitioner is in custody since 07.03.2022 and moreover nothing incriminating material has been recovered from the person or possession of this petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of



Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Court No.II, Khagaria in connection with Purak Pasraha P.S. Case No. 62 of 2019, subject to the condition that one of the bailors will be the local residents with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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