

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34023 of 2021

Arising Out of PS. Case No.-296 Year-2019 Thana- RAJAOLI District- Nawada

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Jashu Rana @ Yasvant Kumar @ Yaswant Kumar Rana Son of Sitaram
Sharma Resident of Village - Meghatari, P.S. and District - Koderma.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Rajauli P.S.
Case No. 296 of 2019 registered for the offences punishable
under Sections 30(a), 41 of the Bihar Prohibition and Excise
Act, 2016.

According to prosecution case, total 234 liters foreign
liquor was recovered from the vehicle in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence and he has



falsely been implicated in the present case on the basis of disclosure made by the co-accused namely Sonu Kumar. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from the Bika of co-accused Sonu Kumar and the Sonu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 18.11.2019 passed in Cr. Misc. No. 70034 of 2019 and other co-accused namely Saurav Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.06.2020 passed in Cr. Misc. No. 21092 of 2020. The petitioner is in custody since 30.01.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail, submitting that petitioner carries two criminal antecedents.

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 Additional Sessions Judge-II-cum-Special Judge, Nawada in connection with Rajauli P.S. Case No. 296 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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