

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26797 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Banka

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FANJIT YADAV Son of Ramji Yadav Resident of Village Araria, P.S.
Parbatta, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bharat Bhushan
For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise

Complaint Case No. 10 of 2022 dated 11.01.2022 registered for

the offences punishable under Sections 30(a) and 32 of the

Bihar Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, there is alleged recovery

of 180 ml foreign liquor from Tata Tiago car and 882.36 litres

foreign liquor from Hyva truck in question. The petitioner is

said to be the driver of the Hyva truck, who was apprehended on

spot along with other co-accused.



Learned counsel for the petitioner submits that petitioner is in custody since 10.01.2022 and bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is innocent and has been falsely implicated in this case. It is further submitted that the co-accused namely Sumit Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.12682 of 2022.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge Vth, Banka in connection with Excise Complaint Case No. 10 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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