

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27011 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Chandra Bhushan Yadav @ Jhagru Yadav Son of Rajendra Prasad Yadav
Resident of Village - Basudeopur, Police Station- Bahadurpur, District -
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 14-07-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ranjit Kumar Yadav, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Gaighat P. S. Case No. 224 of 2021
registered for the offences punishable under Sections 272, 273
read with 34 of the Indian Penal Code and Section 30(a)/36,
41(1) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

As per the prosecution case, it is alleged that the
Police, on a secret information, intercepted a truck and a Swift
Dzire car. On search being made 2966.400 litres illegal foreign



liquor from the truck and 3052.800 litres illicit foreign liquor has been recovered from the Swift Dzire Car. It is further alleged that the apprehended persons disclosed the name of the petitioner as consigner of the illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner has transpired on the disclosure of the apprehended persons, save and except the disclosure made by them there is no other incriminating material against the petitioner. It is further submitted that the petitioner was neither arrested at the spot nor any other material has come during the course of investigation, which suggests the complicity of the petitioner. It is next submitted that the other co-accused person, whose name has also transpired on the disclosure of the apprehended persons, they have already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. 50967 of 2021 and Cr. Misc. No. 52282 of 2021 vide orders dated 01.04.2022 and 29.04.2022 respectively. The copies of which have been produced before this court and the same have been kept on record. It is next submitted that the petitioner is in custody since 23.02.2022.

On the other hand, learned APP for the State



vehemently opposes the bail application and submits that the petitioner has been found involved in the present crime and a huge recovery has been made from the truck and the Swift Dzire Car.

Having considered the submissions made on behalf of the parties and taking into account the fact that the name of the petitioner has transpired on the disclosure of the apprehended persons and save and except the disclosure, there is no other material against the petitioner and moreover, the other co-accused persons, having identical allegation have already been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Muzaffarpur in connection with Gaighat P. S. Case No. 224 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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