

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37797 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- RAGHOPUR District- Supaul

Ram Krishna Yadav, S/O Muneelal Yadav, Resident of Village- Phulparas,
P.S.- Phulparas, District- Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office be removed within four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Raghapur P.S. Case No. 237 of 2021, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received secret information that large consignment of liquor was being brought on a 18 wheeler truck which was being escorted by a Santro Car. Both the vehicles were intercepted and five co-accused persons were apprehended. From the search of these two vehicles, total 2610



liters of India made foreign liquor was recovered. The co-accused person named this petitioner for whom this consignment was brought.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. His name came up in the confessional statement of co-accused persons who said that the seized liquor was to be received by this petitioner, but the petitioner has nothing to do with the co-accused persons. None of the vehicles from which recovery has been made belong to this petitioner. The charge sheet has been submitted and the petitioner is in custody since 30.05.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.02, Supaul, in connection with Raghapur P.S. Case No. 237 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

