

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38453 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KURSAILA District- Katihar

1. SANJAY KUMAR YADAV S/o Garib Yadav R/o Village- Bhamarpur, P.S.- Bihpur, District- Bhagalpur
2. Bipin Kumar S/o Basudev Rabidas R/o Village- Bhamarpur, P.S.- Bihpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-09-2022 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 Kursela P.S. Case No. 19 of 2022 registered for the offences punishable under Sections 467, 468, 471, 120(B), 420 of the Indian Penal Code read with Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 6444 litres foreign liquor from the truck in question. Apprehended co-accused disclosed the name of petitioner and



others to whom the alleged liquor was to be supplied.

Learned counsel for the petitioner submits that petitioner is in custody since 04.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not apprehended on spot. Petitioner is neither owner nor driver of the said truck. Name of the petitioner has been transpired on the basis of confessional statement of co-accused Ghanshyam Kushwaha who was apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, keeping in view clean antecedent of the petitioner 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of learned IVth Additional District and Sessions Judge-cum-Special Judge Ext II, Katihar in connection with Kursela P.S. Case No. 19 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)

amitkr/-

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

