

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37912 of 2022

Arising Out of PS. Case No.-297 Year-2020 Thana- HUSSAINGANJ District- Siwan

KRANTI YADAV @ RAJESH YADAV Son of Umesh Yadav Resident of
village - Bahabari, P.S.- Aandar, Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Anupam

For the Opposite Party/s : Mr.Jai Narain Thakur

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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
Hussainganj P.S. Case No. 297 of 2020 registered for the
offences punishable under Sections 272, 273 of the IPC and
30(a), 41(1) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 552 litres of country made liquor from the late Banarasi
Sharma. Accusation against the petitioner is that he alongwith
another use to supply the liquor for sale.

Learned counsel for the petitioner submits that
petitioner is in custody since 02.06.2022. Petitioner bears



criminal antecedent of two cases of similar nature. Learned counsel further submits that nothing has been recovered from the conscious possession or personal possession of the petitioner. The petitioner is neither concerned with the seized liquor nor is he caught on the place of occurrence. The name of petitioner implicated in this case on the basis of confessional statement of the co-accused Rohit Kumar Sharma. Co-accused persons Rohit Kumar Sharma has already been granted bail vide Cr. Misc. No. 4582 of 2021 by the co-ordinate bench of this Court.

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 and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 2, Siwan in connection with Hussainganj P.S. Case No. 297 of 2020, 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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