

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40756 of 2022**

Arising Out of PS. Case No.-374 Year-2021 Thana- WARISLIGANJ District- Nawada

Sanjay Yadav Son of Late Dukhi Yadav Resident of Village - Jhumritiliya,
P.S.- Jhumritiliya, District - Kodarma (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Adv

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 23-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Warisiliganj P.S. Case No. 374 of 2021 for the offences punishable under Sections 30(a), 41 of the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the police in course of patrolling, intercepted the truck and on search total 2 079.6 liters of Indian made foreign liquor was recovered. It is further alleged that from the surrounding of



the said truck 769 liters Indian made foreign liquor was also recovered.

Learned counsel for the petitioner submits that the petitioner is neither named in the FIR nor any incriminating article has been recovered from his person or possession. However, the name of the petitioner has been surfaced on the confessional statement of co-accused Manoj Yadav, who on account of monetary dispute, disclosed the name of the petitioner. The petitioner has neither any concern with the truck nor with the recovered liquor however, only on account of past criminal antecedent his name has been implicated in this case. Though in all the cases, the name of the petitioner has transpired on the confessional statement of other co-accused persons and now he is on bail in eight cases out of the ten cases. He last submits that the investigation of the crime is already completed and the charge sheet has been submitted and he is in custody since 12.05.2022.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.



Regard being had to the submission made on behalf of the parties and considering the fact that materials available on the record especially the fact that the petitioner is neither named in the FIR nor any incriminating material has been recovered and save and except, the confession of co-accused person, there is no other material and moreover, criminal antecedent of a person cannot be a sole ground to keep him behind the bar for indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Nawada in connection with Warisiliganj P.S. Case No. 374 of 2021 subject to the condition that one of the bailors will be the close relatives 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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