

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40998 of 2022

Arising Out of PS. Case No.-189 Year-2020 Thana- NIRMALI District- Supaul

Sanjit Kumar Yadav @ Sanjit Kumar Son of Nageshwar Yadav Resident of
village - Pachara Buzurg, P.S.- Kusheshwar Asthan, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Advocate.

For the Opposite Party/s : Mr. Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. N. A. Shamsi, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Nirmali P.S. Case No. 189 of 2020 (S. Tr.
(Excise) No. 893 of 2020), for the offences punishable under
Section 30(a) of the Bihar Prohibition of Excise Amendment
Act, 2018.

As per the prosecution case, it is alleged that the
police in course of patrolling duty intercepted one vehicle and
apprehended two persons, who are said to be driver and *khalasi*



of the vehicle. It is further alleged that on search total 990 liters Indian made foreign liquor was recovered and the apprehended persons disclosed the name of the owner of the vehicle.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither named in the FIR nor any incriminating material has been recovered from his person and possession. However, on the disclosure made by the apprehended persons, certain mobile numbers have been surface, on the basis of that the petitioner has been made accused. However, neither the petitioner has any concern with the co-accused persons nor with the illicit wine, but only on account of the fact that some telephonic talks had taken place with the co-accused Birju Sahni, his name has been implicated in this case. He further submitted that in fact no incriminating material has been recovered from the conscious possession of the petitioner and moreover, the petitioner having fair antecedent, is in custody since 29.05.2022.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the



period of custody, apart from the fact that the investigation of the crime is already complete and charge-sheet has already been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Supaul, in connection with Nirmali P.S. Case No. 189 of 2020 (S. Tr. (Excise) No. 893 of 2020), 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.

(Harish Kumar, J)

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