

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40802 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- KAUWAKOL District- Nawada

Sanjay Yadav S/o Kameshwar Yadav @ Kameshwar Prasad Resident of
Village - Guaghoghra, P.S.- Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect(s) if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Kawakole P.S. Case No. 63/2021, lodged under Section 414 of
the Indian Penal Code and Section 30(a) of the Excise Act.

As per prosecution case, total recovery of 150 litres
of desi mahua and motorcycle was alleged to be recovered.

Learned counsel for the petitioner submits that the
petitioner was not apprehended from the place of occurrence.
He further submits that he is not the owner of the motorcycle
also and he is not related in any way with the said motorcycle.
He further submits that his name has been figured in this case by



virtue of secret information as alleged in the F.I.R. He submits that he is in custody since 29.04.2022, charge-sheet has already filed in this case. On the point of antecedent, learned counsel submits that one case relating to excise matter and another case is not relating to excise matter, in one case he is on bail. He further submits that he is ready to fulfill all the conditions whatsoever shall be imposed by the Court.

Learned APP for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs. 30,000/- (rupees thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court IInd Nawada in connection with Kawakole P.S. Case No. 63 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(A.) The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his



bail bond.

(B.) One of the bailor shall be close relative who shall file affidavit before the Court about his relation with the petitioner.

(C.) The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

Ranjeet/-

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