

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51315 of 2021

Arising Out of PS. Case No.-473 Year-2021 Thana- FATUA District- Patna

SUCHIT @ SUJIT YADAV Son of Baldeo Yadav Resident of Village- Dawil,
P.S.- Khaira, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madahav Raj, Adv

For the Opposite Party/s : Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Fatuha P.S.
Case No. 473 of 2021 registered for the offences punishable
under Sections 30(a), 33, 34, 36, 41, 56b of the Bihar
Prohibition and Excise Act, 2016.

Supplementary affidavit has been filed on behalf of the
petitioner for making correction in para-1 of the bail petition.

Learned counsel for the petitioner submits that due to
inadvertence in paragraph-1 of the bail petition Police Station



“Khaira” is typed instead of Police Station “Fatuha”. He further submits that the correct Police Station for which the bail application is filed is Fatuha P.S. Case No.473 of 2021.

There is recovery of 3120 litres of illicit spirit from the cabin of a truck.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the truck in question. Petitioner is driver of the truck in question. Petitioner is in custody since 30.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Fatuha P.S. Case No. 473 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that 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 cancellation 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.

(Rajesh Kumar Verma, J)

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