

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51297 of 2021

Arising Out of PS. Case No.-55 Year-2020 Thana- BARHARIA District- Siwan

Kanhaiya Yadav Son of Late Panchdeo Chaudhary Resident of Village- Siyadi
Karn, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical Court.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Barharia P.S. Case No. 55 of 2020 registered for the offences under Sections 272/273/34 of the Indian Penal Code and Sections 30(a)/41(i) of the Bihar Prohibition and Excise (Amendment) Act.

Recovery is of 4050 liters of foreign liquor from the mango orchard of Sakil Mian.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. Name of the petitioner has transpired on the basis of the information given by the Chaukidar. He further submits that it appears from the FIR that nothing has been recovered from the conscious possession of the petitioner. Recovery has been made from one mango orchard of Sakil Mian. The petitioner is in custody since 22.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that petitioner has got one identical criminal antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Sessions Judge-II-cum-Special Judge, Excise, Siwan, in connection with Barhariya P.S. Case No. 55 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled



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.

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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