

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42941 of 2022

Arising Out of PS. Case No.-129 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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Chote Kumar Yadav @ Chhote Kumar Yadav S/o Uttam Yadav @ Uttim
Yadav R/o village- Bidhipur, Bhandarso, P.S.- Manigachhi, District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-11-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 30(a) of
Bihar Prohibition and Excise Act, 2016.

Recovery is of 124.920 liters of Foreign liquor from
the Car and 17.280 liters of foreign liquor from the motorcycle
in question.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case only on the basis of suspicion. He



further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner, rather the recovery has been made from the motorcycle or the Car in question. He further submits that the name of the petitioner has been transpired on the basis that petitioner is the owner of the said motorcycle in question but the petitioner has already sold out the motorcycle in question to one Rama Yadav on 22.02.2022 itself. He further submits that petitioner has no concern at all with the alleged recovery or the motorcycle in question.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory 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 Court below where the case is pending in connection with Sadar P.S. Case No. 129 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also 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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