

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58398 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- JANDAHA District- Vaishali

-
1. RAM KRISHNA YADAV Son of Sri Baidhnath Yadav Resident of Village- Purenthansukl, P.A.- Amethi, District- Amethi, Uttar Pradesh.
 2. Rajesh Kumar Son of Sri Sant Ram Yadav Resident of Village- Mangapur, P.S.- Udaypur, District- Partapgudh, Uttar Pradesh.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganga Prasad Bimal, Adv.

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners seek bail in connection with Jandaha P.S. Case No. 127 of 2021 registered for the offence under Sections 420, 465, 467, 468 and 120(B) of the Indian Penal Code and Section 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act.

Recovery is of 5687.280 liters of Indian and Foreign liquor.



Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioners rather the alleged recovery has been made from the truck bearing registration No. UP-65 CT-9609. He further submits that the petitioner No.1 is said to be driver of the said vehicle and petitioner No.2 is stated to be co-driver (Khalasi) of the vehicle in question but they have no knowledge about the illicit liquor kept on the alleged truck. Moreover, the police after investigation has submitted charge sheet against the petitioners in this case. The petitioners are rotting in judicial custody since 20.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II -cum- Excise Court, Vaishali at Hajipur in connection with Jandaha P.S. Case No. 127 of 2021 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)

brajesh/-

U		T	
---	--	---	--

