

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59764 of 2021

Arising Out of PS. Case No.-565 Year-2021 Thana- SITAMARHI District- Sitamarhi

SANTOSH YADAV S/o Jibachh Yadav Resident of Village - Durgapatti
Balwa, P.S. - Madhwapur, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 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 petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Sitamarhi P.S. Case No. 565 of 2021 registered for the offence under Sections 30(a) and 36 of the Bihar Prohibition and Excise Act.

Recovery is of 878.400 liters of Nepali wine.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He



further submits that the petitioner has not been named in the F.I.R. and mere on the basis of confessional statement of the co-accused, Bhola Kumar, this petitioner has been made accused in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from pickup van. Neither the petitioner happens to be driver of the vehicle nor he happens to be Khalasi of the vehicle in question. The petitioner has no concern with the alleged recovery. The petitioner is rotting in judicial custody since 21.07.2021.

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

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 A.D.J.-II -cum- Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 565 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)

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