

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59775 of 2021

Arising Out of PS. Case No.-54 Year-2019 Thana- RASULPUR District- Saran

BITTU YADAV @ VITU YADAV Son of Shambhu Yadav @ Shambhunath
Yadav Resident of Village- Bangra Tola Bagaura, P.S.- Duraundha, District-
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, 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
Rasulpur P.S. Case No. 54 of 2019 registered for the offence
under Sections 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 227.520 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the name of
the petitioner has transpired in this case on the basis of



disclosure made by the co-accused, Jitesh Kumar Yadav. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the pickup van. Neither the petitioner happens to be owner of the alleged vehicle nor he happens to be driver or Khalasi of the vehicle in question. The petitioner is rotting in judicial custody since 10.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case of similar nature other than the present one.

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 Special Judge, Excise, Saran at Chapra in connection with Rasulpur P.S. Case No. 54 of 2019 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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