

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60411 of 2021**

Arising Out of PS. Case No.-252 Year-2020 Thana- KATORIYA District- Banka

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RANJIT YADAV S/o LATE BINDESHWARI YADAV @ VINDESHWARI
YADAV R/o VILLAGE-BIRPUR, P.S- HASANPUR, DISTRICT-
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

2 29-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 30(a) and 56 (d) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, 903.78 litres of IMFL was recovered from the pick up van of which the petitioner is the registered owner.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the possession of the petitioner. The petitioner was not present at the place of occurrence but has been falsely implicated in the case only for the reason that he happens to be the registered owner of the vehicle in question. He has no concern with the seized



liquor. He is in custody since 12.1.2021 and has no criminal antecedent.

It is further submitted by learned counsel for the petitioner that a supplementary affidavit has been filed stating therein about the bereavement in the family of the petitioner.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case specially the petitioner not being caught at the place of occurrence and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Katoriya P.S. Case no. 252 of 2021 (arising out of Special Excise no.722 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge, 2nd -cum- Special Judge, Excise Act, Banka.

It is further directed that the Superintendent of Police, Banka shall send a report with respect to the antecedent of the petitioner to the learned Court below and in case it is found that the petitioner has any antecedent the learned Court below shall cancel the bail bond of the petitioner and take him into custody till conclusion of the trial. However it is made clear that in view of the above order granting bail to the petitioner, the petitioner



shall not be kept in custody awaiting the report of the
Superintendent of Police but shall be released immediately.

(Partha Sarthy, J)

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