

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50997 of 2022

Arising Out of PS. Case No.-205 Year-2018 Thana- SURYAGARHA District- Lakhisarai

Bittu Yadav @ Bittu Kumar Son Of Anil Yadav R/O Village- Khurha, P.S.-
Shamho, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 16-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Suryagarha P.S. Case No. 205 of 2018, registered for the
offences punishable under Sections 30(a), 32(2), 38(i) and
41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story as emerges from the FIR is
that 1543.980 liters of foreign liquor has been recovered
from a truck bearing Registration No. NL02K-2444.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner was not



arrested on the spot and his name has transpired only on the basis of confessional statement of a co-accused, Rajendra Singh. He also submits that nothing has been recovered from the conscious possession of the petitioner.

The petitioner has been languishing in jail since 28.04.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved once before this Court for grant of anticipatory bail vide Cr. Misc. No. 32078 of 2019.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case, namely, Shamho P.S. Case No. 21 of 2018.

However, the learned APP for the State vehemently opposes the prayer for bail stating that the alleged offence is very serious in nature.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Ld. Fourth Additional District and Sessions Judge-cum-Special Excise Court-I, Lakhisarai, District-Lakhisarai, in connection with Suryagarha P.S. Case No. 205 of 2018 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal



antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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