

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52862 of 2022

Arising Out of PS. Case No.-606 Year-2021 Thana- JAHANABAD District- Jehanabad

Sanjay Yadav, Son Of Late Dukhi Yadav, Resident Of Village- Jhumritiliya,
P.S.- Jhumritiliya, District- Kodarma (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Senior Advocate Mr. Priya Ranjan, Advocate Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Jehanabad P.S. Case No. 606 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 9694.80 liters
of India made foreign liquor was made from two trucks. The
allegation against the petitioner is that the said liquor was taken
out from his godown situated in Jharkhand.

Learned senior counsel for the petitioner submits

that petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of confessional statement of co-accused Mukesh Kumar wherein he disclosed that the seized liquor was loaded from the godown of this petitioner. The petitioner has nothing to do with the seized liquor or the seized truck or the co-accused persons apprehended with the truck. Nothing incriminating has been recovered from the conscious possession of this petitioner or from his house or from his godown. The petitioner has been named in this case because of the fact that he is having similar nature of antecedent. The earlier cases against this petitioner have been registered on the basis of confessional statement of co-accused persons and in none of the cases, the petitioner was apprehended from the spot or seen on the spot or there was any direct allegation against this petitioner. Learned senior counsel further submits that in the criminal antecedent of the petitioner, altogether 42 cases have been shown. From Serial No. 1-19, in the criminal antecedent, the petitioner has been acquitted by the learned trial court and in Serial No. 20-21, police has submitted closure reports and the same were accepted by the learned trial court. Learned senior counsel further submits that in remaining 21 cases, the petitioner is on bail in 18 cases and 3 cases are

pending against this petitioner in which he has not been granted bail. Charge sheet has been submitted in this case and the petitioner is in custody since 23.06.2022.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner. Learned A.P.P. submits that the petitioner is a big player in the business of the illicit liquor and he is accused in a large number of cases.

Having regard to the facts and circumstances and submission made and considering the facts of this case that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and also considering the fact of submission of charge sheet along with period of custody of the petitioner and notwithstanding the long criminal history of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-02. Jehanabad in connection with Jehanabad P.S. Case No. 606 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close

relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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