

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56466 of 2022

Arising Out of PS. Case No.-462 Year-2021 Thana- RAJAOLI District- Nawada

Sanjay Yadav S/o Late Dukhi Yadav R/o Village- Jhumritiliya, P.S.-
Jhumritiliya, District-Kodarma(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krisha Pd. Singh, Senior Advocate Mr. Sanjee Kumar, Advocate Mr. Mukesh Kumar, Advocate Mr. Priya Ranjan, Advocate
For the Opposite Party/s :	Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Rajauli P.S. Case No. 462 of 2021 registered
for the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

As per prosecution case, on the basis of information
received by the police, a truck was intercepted and recovery of
1737 liters of India made foreign liquor was made. During
investigation, the name of the petitioner surfaced as one of the



accused persons involved in trade of illicit liquor.

Learned senior counsel appearing on behalf of the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. He was named in the case merely on confessional statement of co-accused driver of this case. The petitioner has got 42 cases pending against him out of which he has been acquitted in 19 cases and final form has been submitted in two cases which have been accepted by the learned trial court. In remaining cases the petitioner is on bail except one case. The petitioner has been named in this case due to his antecedents but in all cases registered against the petitioner, he has been named on the basis of confessional statements of the co-accused persons and in none of the cases, petitioner has been apprehended from the spot or seen at the spot. Learned counsel further submits that the petitioner is in custody since 11.04.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and a large number of cases are pending against him.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering submission of charge-sheet along with period of custody of the petitioner and notwithstanding the criminal antecedents of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Nawada in connection with Rajauli P.S. Case No. 462 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for 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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