

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55947 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- PHULWARIYA District- Gopalganj

Krishna Kumar Yadav Son Of Bramdev Yadav R/O Village- Belawa, P.S.-
Rampur Karkhana, District- Dewariya (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, 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), 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 Phulwariya P.S. Case No. 392 of 2022
registered for the alleged offences under Section 414 of the
Indian Penal Code and Section 30 (a) of the Bihar Prohibition
Act and Excise Act, 2016.

As per prosecution case, recovery of total 345.600
litres of illicit India made foreign liquor was made from a Tata
Safari vehicle, which was being driven by the petitioner, who
was apprehended from the spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner is the driver of the seized vehicle and works on daily wages and he has been doing his job on instructions of the owner of the vehicle. The petitioner has no knowledge about the illicit liquor kept in the *dickey*. Similarly he was not having any knowledge about the genuineness of the papers of the vehicle. Nothing incriminating has been recovered from the conscious possession of this petitioner. Witnesses in the seizure list are police personnel. There is no compliance of Section 100 of Cr.P.C.. Neither the vehicle nor the seized liquor belong to this petitioner. The petitioner is in custody since 31.08.2022 and charge-sheet has been submitted. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the submission of charge-sheet and his period of custody, 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 Additional Sessions Judge-II-cum-Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 392 of



2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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