

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56976 of 2022

Arising Out of PS. Case No.-285 Year-2020 Thana- BIBHUTIPUR District- Samastipur

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Sita Ram Yadav @ Baga @ S.T.R. S/O Late Triveni Ray R/O Village-
Kodarkatta Puran Tol, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Kumar, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 285 of 2020 registered for the offence
under Sections 272 and 273 of the Indian Penal Code, Section
30(a) of the Bihar Prohibition and Excise Act and Sections
25(1-b)a, 26 and 35 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in



custody since 20.04.2022.

The allegation against the petitioner is to be involved in illegal trading of illicit liquor, where a total of 4410 liters of foreign liquor was recovered and petitioner was also found in possession of one pistol and 9 cartridges.

Learned counsel appearing on behalf of the petitioner submitted that neither illicit liquor nor fire arm were recovered from the conscious physical possession of the petitioner, as name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Sanjay Kumar Bharti. It is further pointed out that name of the petitioner appears in the present case only for his criminal antecedents, as he is found involved in 13 more criminal cases of similar nature, in maximum of these cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances. as mentioned above, as recovery of alleged illicit liquor and fire arm not



appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Bibhutipur P.S. Case No. 285 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 learned Special Excise Court No.1, Samastipur/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by



the documents.

(iii) That one of the bailors shall be
Madhuri Yadav, who is the wife of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-
S.Tripathi/-

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