

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71321 of 2021

Arising Out of PS. Case No.-66 Year-2021 Thana- PANJWARA District- Banka

Diwakar Yadav Son Of Rudal Yadav Resident Of Village - Sapaha, P.S.-
Maheshkhunt, Distt.- Khagaria.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-06-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Anil
Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Special Excise Case No. 555 of 2021 arising
out of Panjwara P.S. Case No. 66 of 2021 registered for the
offences punishable under Sections 30(a), 32(2) of Bihar
Prohibition and Excise Act. He is in custody since 25.07.2021
and has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant who is the Station House
Officer of Panjwara Police Station on secret information
intercepted one Scorpio vehicle from which the petitioner was



apprehended and recovered 246.06 liters of liquor. It is alleged that the petitioner was indulged in transporting the liquor in conspiracy with the owner of the Scorpio vehicle bearing registration no. BR 51-3000.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the seizure list witnesses are the members of the raiding team and the petitioner being driver was not aware regarding the articles kept therein and he was driving the vehicle on remuneration. The petitioner has remained in custody since 25.07.2021 having no criminal antecedent.

Learned counsel submits that presence of the petitioner may be secured in course of trial.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 25.07.2021, investigation against him is complete and his presence may also be secured in course of trial as also that he has no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of



learned Additional District and Sessions Judge-II, Banka in connection with Special Excise Case No. 555 of 2021 arising out of Panjwara P.S. Case No. 66 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

