

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5389 of 2023

Arising Out of PS. Case No.-155 Year-2021 Thana- BAHERA District- Darbhanga

NIRANJAN KUMAR YADAV @ NIRANJAN YADAV S/O RAM UDGAR
YADAV @ Ramnath Yadav R/V- BAGNOCHI, P.S.- BAHERI, DISTRICT-
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bahera P.S.
Case No. 155 of 2021 registered for the offence under Sections
30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 4124.46 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. In fact, nothing has been recovered from the conscious
possession of the petitioner rather the alleged recovery has been
made from the Truck in question. Neither the petitioner happens
to be driver nor he is stated to be owner of the alleged truck. He
further submits that the petitioner has no concern at all with the
alleged recovery and the alleged vehicle. He further submits that



the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Ram Kumar Jha has already been granted bail by a co-ordinate Bench of this Court vide order dated 29.04.2022 passed in Cr. Misc. No. 21405 of 2022. The petitioner is rotting in judicial custody since 04.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Darbhanga in connection with Bahera P.S. Case No. 155 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

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