

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5441 of 2023

Arising Out of PS. Case No.-289 Year-2021 Thana- BAHERA District- Darbhanga

NIRANJAN KUMAR YADAV @NIRANJAN YADAV S/O RAM UDGAR
YADAV R/v- Baghnochi, 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.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 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. 289 of 2021 dated 30.11.2021
registered for the offence under Sections 414, 420, 467, 468
and 471 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

Recovery is of 5773.305 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
petitioner has not been named in the F.I.R., however, his
name transpired in this case on the basis of confessional



statement of the co-accused, Sashiram Bishnoi, who is stated to be driver of the alleged vehicle from which the alleged recovery has been made. He further submits that it appears from the F.I.R. and the seizure list that nothing been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the vehicle in question. He further submits that the petitioner has no concern at all with the alleged liquor and the vehicle in question as neither the petitioner is owner of the vehicle in question nor he happens to be driver of the alleged vehicle. He further submits that save and except the confession of the co-accused, no cogent material has surfaced during course of investigation against the petitioner to suggest his involvement in the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. Moreover, the co-accused, namely, Shravan Jha @ Bambam Jha has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No. 28360 of 2022. The petitioner is rotting in judicial custody since 06.01.2022.

Learned A.P.P. for the State has opposed the prayer



for bail of the petitioner and submits that the petitioner carries four 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. 289 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)

brajesh/-

U		T	
---	--	---	--

