

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4725 of 2023

Arising Out of PS. Case No.-897 Year-2022 Thana- BIHTA District- Patna

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Bhuwar Yadav @ Mintu Kumar Son Of Sharda Yadav @ Shardanand Singh
R/O Village- Amhara, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
07.11.2022, in connection with Sspecial Excise Case No. 1576 of
2022 arising out of Bihta P.S. Case No. 897 of 2022, F.I.R. dated
07.09.2022 registered for the offences punishable under
Sections 420, 467, 468 of the Indian Penal Code and Sections
30(a)/41 of the Bihar Prohibition and Excise (Amendment) Act
2018.

Recovery is of 1899 litres of country made foreign
liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R. as



well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather recovery has been made from the pick-up van in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the Pick-up van. He further submits that the petitioner is neither the driver nor the owner of the pick-up van in question and he was not arrested at the spot and merely on the basis of suspicion, the petitioner has been implicated in the present case. He further submits that similarly situated co-accused person Raju Kumar Yadav @ Rajiv Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 27.04.2023 passed in Cr. Misc. No. 4241 of 2023. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, nothing has been recovered from the possession of the petitioner and he has no concern at all with the alleged recovery of illicit liquor or the pick-van in question, let the petitioner, above named, be released on bail 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 Judge-
Danapur, Patna in connection with Special Excise Case No. 1576
of 2022 arising out of Bihta P.S. Case No. 897 of 2022, subject to
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 absence on two consecutive dates without sufficient
reason, his bail bond shall be cancelled by the Court below.

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

(3) 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
antecedents, 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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