

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14999 of 2023

Arising Out of PS. Case No.-687 Year-2021 Thana- PATRAKARNAGAR District- Patna

NIRANJAN YADAV Son of Ram Udgar Yadav @ Ram Chandra Yadav R/v-
Bagnauchi, P.S.- Baheri, District- Darbhanga (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adarsh Singh, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-06-2023 Heard Mr. Yogesh Chandra Verma, learned senior
counsel appearing for the petitioner and the learned A.P.P. for
the State.

The petitioner seeks bail, who is in custody since
18.01.2023 in connection with Patrakarnagar P.S. Case No.
687 of 2021, F.I.R. dated 07.12.2021 registered for the
offence punishable under Sections 30(a)/32(ii)(iii)/36/41(i)(ii)
of Bihar Prohibition and Excise Act, 2018.

Recovery is of 4668.375 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that it appears from the FIR as
well as seizure list that nothing has been recovered from



conscious possession or the house of the petitioner rather the recovery has been made from the Truck in question and the name of the petitioner has been transpired on the basis of the disclosure made by the co-accused persons and the petitioner was not apprehended at the spot and the co-accused persons, namely, Simranjeet and Hardeep Singh have been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 24.06.2022 passed in Cr. Misc. No.9255 of 2022 and the police has submitted the chargesheet against the petitioner and the petitioner is in custody since 18.01.2023.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases other than the present one but fairly submits that out of nine cases, the petitioner is on bail in seven cases and rest two cases are pending for consideration, as mentioned in para-3 of the bail petition.

Considering the aforesaid facts, nothing has been recovered from conscious possession or the house of the petitioner, let the petitioner, above named, 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 Excise Judge, Patna in connection with



Patrakarnagar P.S. Case No. 687 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 cancelled 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.

(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 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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