

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16086 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SARAI District- Vaishali

JITU @ MURLI YADAV @ MURLEE YADAV Son of Pyari yadav R/V- Sua
Kund Mohalla, P.S- Daltanganj, Dist- Palamu State- Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sarai P.S.
Case No. 235 of 2022 dated 27.07.2022 registered for the offence
under Sections 420, 467, 468, 471, 120(B) of the Indian Penal
Code and also 30(a), 31, 32, 36 and 41(i) of the Bihar Prohibition
and Excise Act, 2018.

Recovery is of 3627.36 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the name of this petitioner transpired in this case on the basis of
disclosure made by the co-accused, Mehani Hasan. He further
submits that from bare perusal of the F.I.R. and the seizure list, it



transpires that 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 owner of the said truck nor he is said to be the driver of the vehicle in question. He has no concern at all with the alleged recovery and the vehicle in question. He further submits that the similarly situated co-accused, namely, Pawan Saifi @ Pawan Kumar @ Pawan Kumar Saifi and Mehendi Hasan have been granted bail by a co-ordinate Benches of this Court vide order dated 10.02.2023 and 02.12.2022 passed in Cr. Misc. No. 2881 of 2023 and Cr. Misc. No. 55625 of 2022, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Exclusive Special Excise Court No.2 -cum- Additional District and Sessions Judge, Vaishali at Hajipur in connection with Sarai P.S. Case No. 235 of 2022 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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