

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31060 of 2023

Arising Out of PS. Case No.-69 Year-2021 Thana- CHAUSA District- Madhepura

SUMIT YADAV @ SUMIT KUMAR @ SUMIT KUMAR YADAV Son of
Late Rambachan Yadav Resident of village - Balha, Ward No. 8, P.S. -
Parbatta (Maraiya O.P.), Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bharat Bhushan

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

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-05-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Chousa
P. S. Case No. 69 of 2021 (Excise Case No. 530 of 2021),
registered for the offences punishable under Sections 272,
273, 420 and 120(b) of the Indian Penal Code and Sections
30(a), 32(3), 33 and 36 of the Bihar Prohibition and Excise
Act, 2016.

As per allegation, 2800 litres of spirit, 400 litres of
manufacture foreign liquor, 220 pieces of bottle, 3651 seal
lid of 375 ml. bottles of sigram company, 2 litre colour an
d1976 piece of rapper of Royal Stag Company were



recovered from two different places.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the name of the petitioner transpires from the confessional statement of co-accused Pankaj Yadav and Vikash Yadav. He further submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioner has been languishing in jail since 01.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional Sessions Judge 7th cum Special Judge Excise 2nd, Madhepura, in connection with Chousa P. S. Case No. 69 of 2021 (Excise Case No. 530 of 2021) on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court



below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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