

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38349 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- DHANARUA District- Patna

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SANJAY KUMAR YADAV S/o- SITARAM YADAV Village- Chaprahi Ps-
Khajauli Dist-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Special Case No. 3413 of 2023 arising out of Dhanarua P.S. Case No. 176 of 2023 registered for the offences under sections 420, 467, 468, 471, 120B of the Indian Penal Code and sections 30(a), 32(1)(2) and 41(1)(2) of the Bihar Prohibition and Excise Act lodged on 11.04.2023 by the informant, Hemant Kumar Jha.

The prosecution case, in brief, is that on 20.11.2021 the informant, who is the S.I. of Dhanarua P.S., submitted a written report before the SHO of Dhanarua P.S. alleging there in that 11/04/2023 at about 16:00 P.M. he along with other police personnel were proceeded from the Police Station for patrolling duty and at about 16.15 P.M., he got information from Excise



unit that a Mini Truck bearing Reg. No. BR-01-GD-2601, he was coming from Gaya to Patna loaded with wine. On that very information, he reached near the Bhakhari Pul. On the sight of police party, one person tried to escape but was apprehended disclosed his name and stated that he is driver of the said truck.

Thereafter in presence of the independent witness, the truck was searched and altogether 353.55 litre English Wine, one mobile and Rs. 900 cash. Accordingly, the seizure list was prepared. The driver of the truck also confessed before police that earlier he had gone to jail in a case of excise i.e Khajauli P.S. Case No 186/2022. He also disclosed that the wine has been sent to one Rajesh Pradhan Puleri and was coming from Haryana to Madhubani and in the mean time, he has been arrested. Accordingly, the FIR.

It has been contended by the learned Counsel for the petitioner that there has been recovery/seizure of 353.55 litre from a pick up van and the allegation is that the petitioner was the driver of the pick up van but according to him, had no knowledge the van is carrying the foreign liquor. The last contention is that he has been in custody since 12.04.2023 (as stated in paragraph 17 of the bail application).

Learned APP for the State, on the other hand, opposes



the prayer for bail.

Considering the aforesaid submissions put forward by the learned Counsel for the petitioner as also that he has remained in custody since 12.04.2023, will ultimately face the trial, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Special Excise Judge, Patna in connection with Special Case No. 3413 of 2023 arising out of Dhanarua P.S. Case No. 176 of 2023 , subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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