

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52133 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- SALAIYA District- Aurangabad

Sanjay Yadav @ Sanjay Kumar Yadav, Son of Rajendra Yadav, Resident of
Village - Sonarchak, P.S. - Salaiya, Distt. - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Salaiya P.S. Case No. 50 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case due to dirty village politics and his previous criminal antecedents. He submits that there is no recovery from the conscious possession of the petitioner rather 50 litres of illicit country-made liquor (*chulai Mahua*) is said to have been recovered from five *sacks* from an open place. He submits that the allegation against the petitioner is that he along with other



FIR named co-accused persons managed to flee away from the place of occurrence after seeing the police party. He submits that the petitioner was not apprehended at the spot. He submits that there is no independent witness of the search and seizure of the seized liquor which is complete violation of the provisions of Section 100 of Cr.P.C. He further submits that petitioner has got two criminal antecedents of similar nature of offence as stated in para-3 of the bail application in which he is on bail.

4. Petitioner has agreed to deposit a sum of Rs. 30,000/- (Rupees Thirty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of this petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is Pending/Successor Court in connection with Salaiya P.S.



Case No. 50 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner will not indulge himself in any similar offence till conclusion of the trial.

6. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J.)

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