

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56055 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

Lakshman Yadav @ Lakshman Kumar S/o Rajendra Yadav @ Rajendra Prasad R/o village- Nehaluchak, P.S.- Nawada, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 03-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Nawada (Town) P.S. Case No. 403 of 2021, registered for the offences punishable under Sections 30(a)(d)(g), 33, 41 and 52 of the Excise Act.

As per allegation, two pouches of 200 ml each of country made liquor was recovered from a co-accused, Arvind Yadav.

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 co-accused, namely, Arbind Yadav vide order dated 30.05.2022 passed in Cr. Misc. No. 72533 of 2021 has already been enlarged on bail by a co-ordinate Bench of this Court and the case of the present petitioner stands on better footing than that of the aforesaid co-accused who has already been enlarged on bail.

He further submits that the petitioner has been languishing in jail since 06.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has made accused in twenty-one more cases.

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

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

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released 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 the Ld. Additional District and Sessions Judge IInd-cum-Spl. Judge, Nawada in connection with Nawada (Town) P.S. Case No. 403 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 hamper 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, the Ld. court below shall cancel the bail bond 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, the Ld. court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The 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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