

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59130 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- NAWANAGAR District- Buxar

Santosh Yadav S/O Late Bihari Yadav @ Late Bihari Singh R/O Village-
Karsar, P.S- Nawanagar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail in connection with Nawanagar
P.S. Case No. 58 of 2022, registered for the offences punishable
under Sections 30(a), 33, 34, 36, 41(1)(2) of the Bihar
Prohibition & Excise Act, 2018.

3. Earlier petitioner has been granted bail vide order
dated 26.08.2022 passed in Cr. Misc. No. 30836 of 2022, but he
could not furnish bail bond due to some condition which was
imposed in the said order. Thereafter, petitioner has filed
modification application which was dismissed vide order dated
19.07.2023 passed in Cr. Misc. No. 44447 of 2023. Again,
petitioner moved before this court and the application of the



petitioner was dismissed as withdrawn vide order dated 09.08.2023 passed in Cr. Misc. 52543. After that, petitioner has filed the present application.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in this case on the basis of confessional statement of co-accused. He further submits that from bare perusal of the FIR as well as seizure list, it appears that nothing has been recovered from conscious possession of the petitioner. Recovery has been made from one Bolero vehicle and petitioner has got no concern with the vehicle in question or the co-accused persons. He further submits that the police after investigation submitted chargesheet. Petitioner is in custody since 02.05.2022.

5. Learned counsel for the State on the other hand vehemently opposes the prayer for bail and submits that petitioner carries twelve cases other than the present case, but he fairly submits that in para 3 of the petition, it is stated that petitioner is on bail in all those cases.

6. Considering the facts and circumstances of the case, let the petitioner above-named, 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 the learned



Exclusive Excise Special Judge Court No. 2, Buxar in
connection with Nawanagar P.S. Case No. 58 of 2022, subject to
following conditions:-

(i) 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 absence
on two consecutive dates without sufficient reason,
his bail bond shall be liable to be cancelled by the
Court below.

(ii) If the petitioner tampers with the evidence or
the witness, in that case, prosecution will be at
liberty to move for cancellation of bail.

(iii) 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 antecedents,
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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