

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67185 of 2023

Arising Out of PS. Case No.-298 Year-2023 Thana- CHIRAIYA District- East Champaran

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SANJAY YADAV SON OF VISHUNDEV YADAV @ BISHUN RAY
RESIDENT OF VILLAGE - KATKUIYA, P.S. - CHIRAIYA, DISTRICT -
EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 07-12-2023 In pursuance of order dated 17.10.2023 passed by a

co-ordinate Bench of this court, reply to show cause has been

submitted by the concerned court.

2. In the light of explanation given by the concerned
court, reply to show-cause is accepted.

3. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

4. The petitioner seeks bail in connection with
Chiraiya P.S. Case No. 298 of 2023 registered for the offences
punishable under Sections 414, 272, 273 of the IPC and Section
30(a) of Bihar Prohibition and Excise Act, 2018.

5. As per prosecution case, on the basis of secret
information raid was conducted by the informant and other



police official and after seeing the police team accused persons began to flee but two were apprehended by the police who disclosed their name as Niranjan Kumar Singh and Sanjay Yadav (petitioner). It is alleged that 8 to 10 unknown persons were being brought at the behest of the petitioner for loading and unloading the consignment. It is disclosed by apprehended co-accused Niranjan Kumar Singh that Santro car which is parked beside the truck belong to co-accused Brajesh. During course of search from two vehicles in question total 3780.72 litre illicit foreign liquor was recovered. Petitioner along with other was apprehended on the spot.

6. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner is in custody since 17.06.2023 and bears no criminal antecedent. He further submits that petitioner is neither owner nor driver of the vehicles in question. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor. Petitioner has become the victim of circumstances as he has been falsely implicated in the present case by the police with mala fide intention. Learned counsel orally submits that charge sheet has been submitted in the case



and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been made as per law.

7. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st Exclusive Special Excise Judge, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 298 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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