

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61191 of 2023

Arising Out of PS. Case No.-37 Year-2017 Thana- SONO District- Jamui

Ritesh Yadav @ Subal Yadav S/O Jageshwar Yadav R/O Village- Gadi Sirsiya, Ps. Gandey, Dist. Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sono P.S. Case No. 37 of 2017, F.I.R. dated 07.03.2017 registered for the offences punishable under Sections 272, 273 of the IPC and Sections 37/41/47/53 of Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 360 bottles each containing 375 ml of foreign liquor.

4. Learned counsel appearing for the petitioner submits that he has falsely been implicated in the present case on the basis of disclosure made by the owner of the vehicle in question. He further submits that petitioner was driving the vehicle in question at the time of occurrence. He submits that petitioner was not arrested from the spot and nothing has been



recovered from the possession of the petitioner rather recovery has been made from the vehicle in question. It is admitted position that petitioner is not the owner of the vehicle in question and till date no TIP is conducted by the prosecution and the petitioner is remanded in the present case from Deoghar Mahila P.S. Case No.44 of 2022 on 15.06.2023.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

6. Considering the aforesaid fact, petitioner has clean antecedent, 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 learned Special Judge, Excise-II, Jamui, in connection with Sono P.S. Case No.37 of 2017, with the 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(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 antecedent, 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)

Mkr./-

U		T	
---	--	---	--

