

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66392 of 2022

Arising Out of PS. Case No.-51 Year-2021 Thana- KALER District- Jehanabad

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SITA RAM YADAV @ BABA @ S.T.R S/O TRIVENI RAI Resident of
village- Motipur Kodar Kata, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 10-01-2023 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks regular bail in connection
with Kaler PS case no. 51 of 2021 instituted for the offences
punishable under Sections 420, 467, 468, 471 of the Indian
Penal Code and Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

The allegation is regarding recovery of 5200
liters of spirit from a truck when the said truck was apprehended
by the police and the driver namely Indal Kumar was arrested.
The said Indal Kumar is stated to have disclosed the name of the
persons involved in the illicit trade of spirit/ liquor including



that of the petitioner herein.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 27.09.2022. The learned counsel for the petitioner has further submitted that since the petitioner is accused in 15 other cases, he has been falsely implicated in the present case. It is also submitted that the petitioner has got nothing to do with the alleged occurrence and in fact, the driver of the said truck i.e. Indal Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 28.01.2022, passed in Cr. Misc. no. 61127 of 2021.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record, though this Court is not inclined to grant bail to the petitioner at the moment, considering the bad criminal antecedent of the petitioner herein, however, this Court deems it fit and appropriate to direct for release of the petitioner, immediately upon framing of charge by the learned trial court, subject to



such conditions as may be deemed fit and proper to be imposed by the learned court of Special Judge-2, Excise, Jehanabad in connection with Kaler PS case no. 51 of 2021.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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