

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5093 of 2023**

Arising Out of PS. Case No.-288 Year-2020 Thana- UJIYARPUR District- Samastipur

SITA RAM YADAV @ BABA @ S.T.R Son of Late Triveni Ray Resident of
Kodarkatta, Puran Tola, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 22-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
08.08.2022 in connection with Ujiyarpur P.S. Case No. 288 of
2020, F.I.R. dated 26.09.2020 for the offences punishable under
Sections 30(a), 41(i)(ii) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

Recovery is of total 159.840 liters of foreign liquor
from the vehicle.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the
conscious possession or the house of the petitioner rather the



recovery has been made from the vehicle in question. He further submits that petitioner has no concern at all with the alleged recovery of illicit liquor and petitioner is neither the driver nor the owner of the said vehicle in question. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Bideo Rai and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated co-accused namely, Adarsh Rai has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 09.08.2021 passed in Cr. Misc. No. 17780 of 2021, another co-accused namely, Bideo Rai has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54871 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 08.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries fifteen criminal antecedents other than the present one and petitioner is on bail in all the cases.



Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession of the petitioner and name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Bideo Rai, 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 A.D.J.-II-cum-Special Judge, Excise, Samastipur in connection with Ujiyarpur P.S. Case No. 288 of 2020, subject to the following conditions:-

1. 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 cancelled by the Court below.

2. 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.

3. 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)

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