

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68137 of 2022**

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Niranjan Kumar Yadav @ Niranjan Yadav Son of Ramudgar Yadav R/o  
Village- Baghnochi, Chakla, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anju Jha

For the Opposite Party/s : Ms. Asha Kumari

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      03-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
  
for the State.

The petitioner seeks bail in connection with Gaighat  
  
P.S. Case No.224 of 2021 (G.R. No. 1117 of 2021),  
  
registered for the offences punishable under Sections 272,  
  
273, 34 of the Indian Penal Code and Section  
  
30(a)/36/41(1) of the Bihar Prohibition and Excise Act,  
  
2016.

As per allegation, a recovery of 2966.400 liters and 3052.800 liters  
  
of liquor has been made from a truck bearing Registration no. HR-382-  
  
2215 and a car bearing Registration no. BR7J-7022 respectively.

Ld. counsel for the petitioner submits that the  
  
petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner has no concern with the allegedly seized truck or the car as they do not belong to him.

He further submits that the petitioner has been languishing in jail since 23.02.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in six other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive



Special Excise Court No.-1, Muzaffarpur in connection with  
Gaighat P.S. Case No.224 of 2021 (G.R. No. 1117 of 2021)  
on the following conditions:

(i) The petitioner will make himself available for  
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that  
investigation/trial will not hamper on account of his absence  
or non-cooperation. He must be available to the police or the  
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly  
make any inducement, threat or promise to any person  
acquainted with the facts of the case so as to dissuade him  
from disclosing such facts to the court or to any police  
officer.

(iv) In case, it is brought to the notice of the court  
below that the petitioner has criminal antecedents other than  
the disclosed one, Ld. court below shall cancel the bail bonds  
of the petitioner after hearing him and getting satisfied that  
the petitioner has concealed his criminal antecedents despite  
his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

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