

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71279 of 2023

Arising Out of PS. Case No.-1 Year-2022 Thana- ROSERA District- Samastipur

Vijay Yadav @ Ronit Kumar @ Malya Yadav S/O Satya Narayan Yadav
Village- Mahuli, P.S- Rosera, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Rosera P.S. Case No. 01 of 2022, registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about the petitioner and his co-accused brother running a business of illicit liquor from their poultry farm. When the raid was conducted, two persons fled away from the spot and on search of said poultry farm, recovery of total 184.680 liters of India made foreign liquor was made.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person/possession of this petitioner. The learned counsel further submits that the similarly placed co-accused, namely, Santosh Yadav has been granted bail by a Coordinate Bench of this Court vide order dated 02.09.2022 passed in Cr. Misc. No.45408 of 2022. The petitioner is in custody since 07.09.2023 and is having clean antecedent.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of the petitioner, who was not arrested from the spot and further considering his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Samastipur, in connection with Rosera P.S. Case No. 01 of 2022, subject to the conditions mentioned in Section 437 (3) of



the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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