

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.75145 of 2022**

Arising Out of PS. Case No.-295 Year-2021 Thana- BAHERA District- Darbhanga

Niranjan Yadav @ Niranjan Kumar Yadav S/O Ram Udgar Yadav, Resident of  
Village- Baghnochi, P.S.- Baheri, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate  
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, A.P.P.

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

2      18-04-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since  
08.04.2022 in connection with Bahera P.S. Case No. 295 of  
2021, F.I.R. dated 05.12.2021 for the offences punishable under  
Sections 467, 468, 471 of the Indian Penal Code and Section  
30(a) of Bihar Prohibition and Excise Act, 2016.

Recovery is of total 2297.16 liters of foreign liquor  
from the Truck.

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 of the petitioner rather the recovery has



been made from the truck in question. He further submits that petitioner has no concern at all with the alleged recovery or the truck in question and petitioner is neither the owner nor the driver of the said truck in question. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 08.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, as well as period of custody, 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 Special Judge Excise-II, Darbhanga in connection with Bahera P.S. Case No. 295 of 2021, 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)**

mdrashid/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

