

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25 of 2023

Arising Out of PS. Case No.-270 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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SINKU KUMAR YADAV Son of Rajendra Yadav Resident of Village-
Jhikatiya, P.S.- Phesar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Adv.

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Excise
P.S. Case No. 270 of 2022 dated 02.12.2022 registered for the
offence under Sections 30(a) of the Bihar Prohibition and
Excise Act.

Recovery is of 260.700 liters of foreign liquor.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
nothing has been recovered from the conscious possession
of the petitioner rather the alleged recovery has been made
for the Honda City car of which petitioner is said to be driver.



He further submits that in fact neither the petitioner happens to be driver of the vehicle nor he is owner of the vehicle in question. He further submits that he has no concern at all with alleged recovery and the vehicle. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner . The petitioner is rotting in judicial custody since 03.12.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Special Judge, Excise-II, Aurangabad in connection with Excise P.S. Case No. 270 of 2022 arising out of G.R. No. 2856 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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