

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83 of 2023

Arising Out of PS. Case No.-151 Year-2021 Thana- BAHERA District- Darbhanga

NIRANJAN KUMAR YADAV @ NIRANJAN YADAV Son of Ramudgar
Yadav R/v- Baghhochi, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.

For the Opposite Party/s : Ms Sucheta Yadav, APP

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
04.02.2022, in connection with Bahera P.S. Case No. 151/2021,
F.I.R. dated 25.07.2021, for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2016.

According to prosecution case, total 4378.40 litres of
foreign liquor is said to have been recovered from the
possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of suspicion. He further
submits that it appears from the F.I.R. as well as seizure list that
altogether 4378.40 litres of foreign liquor has been recovered



from the vehicle in question and the petitioner was not apprehended at the spot. He further submits that nothing has been recovered from conscious possession of the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 04.02.2022.

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

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, after framing of charge, if not framed, 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. 151/2021, 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)

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