

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1683 of 2023

Arising Out of PS. Case No.-162 Year-2021 Thana- BHELDI District- Saran

Sita Ram Yadav @ Baba @ STR Son of Triveni Rai Resident of village -
Kodar Kata, P.S.- Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-04-2023 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Shyam Bihari Singh, learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody
in connection with Bheldi P.S. Case No. 162 of 2021 registered
for the offences punishable under Sections 413 and 414/34 of
the Indian Penal Code and Sections 30(a), 36 and 41(i) of the
Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police on a secret information intercepted a truck and other
vehicles and, during course of the search, altogether 4800 lts.
spirit was recovered from the truck.

Learned counsel for the petitioner submits that the
petitioner was neither apprehended at the place of occurrence
nor any incriminating material has been recovered from his
person or possession. The name of the petitioner has been



disclosed by the persons, who were apprehended at the spot and save and except the disclosure made by the apprehended accused persons, there is no material suggesting the complicity of the petitioner. The co-accused persons, who were apprehended at the spot, have been allowed the privilege of bail. The petitioner has neither any concern with the truck in question nor with the seized illicit spirit. He further submits that only because of three criminal antecedents of identical nature, the name of the petitioner has been implicated in this case.

On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is indulged in activities of illicit wine.

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing incriminating material has been recovered from the person or possession of the petitioner and he is in custody since 29.07.2022, apart from the fact that the persons who were apprehended at the spot, have been enlarged on bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Exclusive Special Excise-I,



Saran, Chhapra in connection with Bheldi P.S. Case No. 162 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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