

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24011 of 2019

Arising Out of PS. Case No.-432 Year-2018 Thana- DEEPNAGAR District- Nalanda

GANEN YADAV S/o Baso Yadav R/o Village- Bijban Par, P.S.- Deepnagar,
District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-04-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Deepnagar
P.S. Case No. 432 of 2018 for offences punishable under
Sections 30(A), 38 and 41 of the Bihar Excise (Prohibition)
Amendment Act, 2016.

The prosecution case as lodged by the police
personnel is that on secret information that Tata Sumo Gold
vehicle is being plied with illicit liquor, the police intercepted
the vehicle and three persons were apprehended. On search from
the vehicle, 279 litres of illicit liquor was recovered who
confessed before the police that 81 litres have been unloaded
near the ITI field for the petitioner and 81 litres have been
unloaded in the house of one Shamboo Kumar. On search 81



litres which was alleged to have been taken by the petitioner was recovered and 81 litres from the house of co-accused Shamboo Kumar was recovered.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the confessional statement of the apprehended co-accused before the police has no evidentiary value. The petitioner has been made accused only on suspicion and nothing has been recovered from the conscious possession of the petitioner. Petitioner was not even found from the place of seizure and is languishing in judicial custody since 27.03.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one more case of similar offence is pending against him.

Considering the nature of allegations and that nothing has been recovered from the conscious possession and the petitioner was not even found at the place of seizure, let the petitioner above named be enlarged 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 Additional District and Sessions Judge-cum- Special Judge, Excise Nalanda at



Biharsharif in connection with Deepnagar P.S. Case No. 432 of 2018, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

devendra/priyanka

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