

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22842 of 2020

Arising Out of PS. Case No.-339 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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INDRAJIT YADAV S/o Late Bunni Yadav R/o Village- Halmukam, Balua
Tola, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shri Prakash Tiwari
For the Opposite Party/s : Mr.A.G.

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 11-09-2020 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant in his written report has alleged that on 27.09.2019 he along with police party were checking the vehicles near Balthari Check-post and received secret information that preparations are being made to unload illicit liquor by local smugglers by bringing liquor from a truck near village Bhaisahi. Informant reached the place at about 3:45 am and after seeing the police party, 10 persons succeeded to flee away and the Informant identified the fleeing persons in



vehicle light and also on the basis of seized photo and paper from the truck as Talwindra Singh, Chiku Yadav, Indrajit Yadav, Hipo Yadav, Satyendra Yadav, Rajesh Yadav, Vijay Yadav, Binod Soni and Nanhi Yadav. Truck bearing registration no. PB BK8895 was seized and during search total 8553.3600 litre of illicit liquor was recovered.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on mere suspicion only. It has been submitted on behalf of the petitioner that petitioner is neither the driver of the vehicle nor occupant of vehicle from which illicit liquor was recovered. Nothing has been recovered from the conscious possession of petitioner. Petitioner is accused in five cases of similar nature out of which in two cases he has been granted bail by co-ordinate benches of this court vide orders dated 12.06.2018 in Criminal Miscellaneous No. 31384 of 2018 and 12.06.2018 in Criminal Miscellaneous No. 31688 of 2018. Petitioner is in custody since 05.12.2019.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the



case is pending, in connection with **Excise Case No. 339 of 2019**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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