

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9724 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- CHANDAN District- Banka

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VINOD KUMAR YADAV @ VINOD KUMAR Son of Rambabu Yadav
Resident of Village- Basudeopur, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Iqbal Asif Niazi, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Special
Excise Case No. 795/2021 arising out of Chandan P.S. Case No.
176/2021 registered for the offences punishable under Sections
30(a), (g) and 32 (2) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 234.6 liters of illicit country made liquor from vehicle. Co-
accused, namely, Sharvan Kumar Yadav including the petitioner
were apprehended on spot from the vehicle in question.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was neither owner nor driver of the vehicle in question rather, he was passenger of the said vehicle. Seizure list has not been made as per law. The petitioner is languishing in custody since 14.10.2021 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka, in connection with Special Excise Case No. 795/2021 arising out of Chandan P.S. Case No. 176/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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