

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24162 of 2022

Arising Out of PS. Case No.-499 Year-2021 Thana- BODHGAYA District- Gaya

MAHENDRA YADAV Son of Sadhu Yadav @ Rajendra Yadav Resident of
Village - Gopi Bigha, P.S.- Magadh Medical, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 Heard learned counsel for the parties through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Bodhgaya P.S. Case No. 499 of 2021 under Section 272, 273
and 34 of the Indian Penal Code and under Sections 30(a), 32
(2), 33, 36 and 41(1) of the Bihar Prohibition and Excise Act
(Amendment) Act, 2018.

The allegation against the petitioner is that the police
intercepted the truck and altogether 4200 liters of spirit was
recovered/seized and the driver and cleaner were taken into
custody. The name of the petitioner has cropped up in the
confessional statement of the accused persons arrested.



Learned counsel for the petitioner submits that he has no role to play in the sense that he is neither the owner of the truck nor he has any relationship either with the driver or the cleaner of the truck and to drag him in this case his name has been confessed by the accused persons for which he has suffered by being in jail since 29.01.2022 (as stated in paragraph-9 of the bail application).

Taking into account the aforesaid fact that there has not been any recovery from his conscious possession, he is not the owner of the truck, the name has come on the confessional statement of co-accused persons, is in jail since 29.01.2022 as also the fact that the charge sheet stands submitted, this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Excise Court No.1, Gaya in connection with Bodhgaya P.S. Case No. 499 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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