

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24215 of 2022**

Arising Out of PS. Case No.-115 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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BIPIN KUMAR YADAV SON OF KAMDEO YADAV R/O VILLAGE-
BARANDA TOLA, BALTHAR (RAMPURBALTHAR), P.S.- DHIBHARA,
DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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.

The petitioner seeks bail in connection with Excise

Case No. 115 of 2022 registered for the offences punishable

under Sections 30(a) of Bihar Prohibition and Excise

Amendment Act, 2018.

As per prosecution case, total 1110 litres of country

made wine has been recovered from the truck in question. The

informant arrested two persons namely Manish Kumar (co-

accused) who is the driver of truck in question and Bipin Kumar

Yadav (petitioner) is the Khalasi.



Learned counsel for the petitioner submits that petitioner is in custody since 26.02.2022. Petitioner bears criminal antecedent of one case of similar nature. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the alleged recovery is not from conscious possession of the petitioner. The petitioner is not the owner of the truck in question nor he is the driver. Petitioner was unaware from the fact that illegal liquor had been kept in carrier of the vehicle in question.

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 as well as period of custody, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya in connection with Excise Case No. 115 of 2022, 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 without appropriate permission 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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