

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25769 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- KURSAILA District- Katihar

PRADIP YADAV Son of Jago Yadav Resident of Village - Banka, P.S.-
Jashidih, Distt.- Deoghar (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Kaushal Kumar Jha, Sr. Adv.
	:	Mr.Akhauri Kamal Kishore Sahay, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-08-2022 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 Kursela
P.S. Case No. 19/2022 registered for the offences punishable
under Sections 467, 468, 471, 120(B), 420 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
total 6444 liters foreign liquor from truck in question. The
petitioner and other apprehended on the spot. The petitioner was
driver of the said vehicle.

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. The petitioner is languishing in custody since 04.02.2022 and bears no criminal antecedent. Seizure list has not been prepared as per law. Learned counsel for the petitioner further submits that the petitioner was driver of the said truck and he had no knowledge about the alleged liquor kept on the truck. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Ghanshyam Kushwaha has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.21653/2022 and the case of present petitioner stands on better footing.

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

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, 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. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned IVth Additional District and



Sessions Judge cum Exclusive Special Excise Court No.2,
Katihar in connection with Kursela P.S. Case No. 19/2022,
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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