

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27932 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- FATEHPUR District- Gaya

Chhote Lal Yadav @ Chote Lal Yadav Son Of Sri Girdhari Yadav Resident Of
Village- Manjhla Kala, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate.

For the Opposite Party/s : Dr. Ajeet Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-06-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Shivendra Prasad, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Fatehpur P. S. Case No. 91 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that in
course of patrolling, the informant along with raiding party near
the middle school, saw four motorcycles coming towards the



village. The Police intercepted the motorcycles and the petitioner was apprehended, however other persons fled away, leaving their motorcycles on the place of occurrence. It is also alleged that on search being made, 150 litres country-made liquor was recovered from a motorcycle, which was said to be driven by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that this petitioner has neither any concern with the alleged motorcycle nor from the recovered wine, which is said to have been made from the motorcycle. It is further submitted that the petitioner was a passerby but only because of some altercation, which took place with the Police personal his name has been implicated in this case. It is also submitted that the petitioner has absolutely fair antecedent and he is in custody since 25.02.2022, though the investigation of the crime is already completed and the charge-sheet has been submitted. It is also submitted that the recovery was made from a busy road but there is no independent witness to support the prosecution case or to the seizure list.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the motorcycle, which was driven by this



petitioner.

Having considered the submissions made on behalf of the parties and taking into account the fact that neither the petitioner is owner of the motorcycle nor any incriminating article has been recovered from the conscious possession of this petitioner and moreover, the petitioner is in custody since 25.02.2022 in as much as the investigation of the crime is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Fatehpur P. S. Case No. 91 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



(iv) In the event of default of two consecutive dates
without any cogent reason, his bail bonds will
liable to be cancelled.

(Harish Kumar, J)

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