

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38937 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

JANGAL YADAV @ PRASHANT KUMAR @ PRASHANT YADAV Son of
Chandra Shekhar Yadav Resident of Village - Baisa Maraiya, P.S.- Parbatta,
District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajit Kumar

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-01-2022 Heard.

The petitioner seeks regular bail in connection with S.Kamal P.S. Case No. 58 of 2020, registered for the offence punishable under sections 120(b). 224. 414. 34 of the Indian Penal Code and Sections 30(a), 32, 27, 41(i) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 47 liters of illicit foreign liquor from a Tata pick up van, which is stated to be belonging to the petitioner herein. It is also alleged that two co-accused persons were caught and they are stated to have disclosed that the pick up van in question belongs to the petitioner.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 18.3.2021. The learned counsel for the petitioner has further submitted that though the truck/ pick-up vehicle in question belongs to the petitioner, but he had given it on hire to the co-accused persons, hence he cannot be saddled with the liability of the recovered illicit liquor. It is further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, shri Umeshanand Pandit, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that though the petitioner is the owner of the pick-up/ vehicle in question, but it is his contention that he had given it on hire to the co-accused persons, hence he cannot be saddled with the liability of the alleged recovered illicit liquor, though, I deem it fit and proper to admit the



petitioner to the privilege of regular bail, however, subject to certain conditions.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Special Judge Excise Act, Begusarai in connection with S.Kamal P.S. Case No. 58 of 2020, subject to further condition that the petitioner would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of bail being granted to the petitioner herein, shall stand revoked automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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