

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34507 of 2022

Arising Out of PS. Case No.-641 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

GAJENDRA PRASAD YADAV @ GAJENDRA YADAV SON OF LATE
BINDESHWARI YADAV Resident of village- Bharrahi, Ward No. 3, P.S.
Bharrahi O.P. , District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Madhepura Excise Act Case No. 641/2021, Excise Case No.
138/2021-22 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 119.400 liters foreign liquor from the Bathan of the
petitioner. Apprehended co-accused, Vikash Kumar disclosed
the name of the petitioner who was used to deal with the illicit
liquor.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner sprang up in this case on the basis of confessional statement of co-accused, Viaksh Kumar. He further submits that the petitioner was neither concerned with the illegal liquor nor from the house of the petitioner, in fact, the alleged recovery of illicit liquor was made from the Bathan of the petitioner. The petitioner is languishing in custody since 21.05.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge- IVth cum Special Judge, Excise,
Madhepura in connection with Madhepura Excise Act Case No.
641/2021, Excise Case No. 138/2021-22, 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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