

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46384 of 2021

Arising Out of PS. Case No.-202 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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PAPPU YADAV Son of Manju Yadav Resident of Village- Betauha, P.S.- Jay
Nagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv
For the Opposite Party/s : Mr. Ajit Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 06.07.2021 seeks
regular bail in connection with G.O. Case No. 202 of 2021
arising out of P.R. No. 17 of 2021 registered for offence
punishable under Section 30(a), 32(c) of the Bihar Prohibition
and Excise Act.

Prosecution case in brief is that altogether 450 litres
of illicit liquor was seized from unnumbered Mahindra Bolero
vehicle. The petitioner was apprehended on the spot while the



other co-accused namely, Lakshmit Choudhary managed to flee away after seeing the excise officials near Patna Gaddi Chouk, Jainagar, Madhubani and seizure list was accordingly, prepared.

Learned counsel appearing on behalf of the petitioner submits that he has no concern with the alleged seized liquor nor he is the driver of the said vehicle which has been seized by the excise officials. He further submits that the real culprit has managed to flee away from the spot and the petitioner was just a passer-by. He further submits that petitioner is in custody since 06.07.2021 and has got no criminal antecedent.

Learned A.P.P. however, opposes the prayer for bail.

Considering the facts and circumstances of the case, if the petitioner is found to be neither owner nor driver of the said Bolero vehicle the details have been given in the seizure list, the Court below is directed to enlarge the petitioner to bail upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lacs) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Madhubani in connection with G.O. Case No. 202 of 2021 arising out of P.R. No. 17 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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