

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48431 of 2021

Arising Out of PS. Case No.-44 Year-2021 Thana- BARSOI District- Katihar

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GOPAL YADAV S/o- VIRENDRA KUMAR YADAV @ BIRENDRA
PRASAD YADAV Resident of Village- Boluwa Kamat, P.S.- Ranipatra
Muffasil, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks regular bail in connection
with Barsoi PS case no. 44 of 2021 instituted for the offences
punishable under Sections 272, 273 of Indian Penal Code and
Sections 30(a)/41/47 of Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of
578.280 liters of illicit liquor from a tractor and the petitioner
was arrested while he was travelling in the said tractor.

The learned counsel for the petitioner has
submitted that the petitioner is innocent, has been falsely
implicated in the present case, is having a clean antecedent
and is languishing in custody since 16.04.2021. The learned



counsel for the petitioner, by referring to paragraphs no. 9 and 10 of the present petition, has further submitted that the petitioner is not the owner of the tractor in question and in fact, he had taken a lift from the driver of the tractor for the purposes of travelling back to his home, however he was oblivious of the fact that the tractor was loaded with illicit liquor.

Per contra, the learned A.P.P. 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 learned counsel for the parties and taking into account the materials available on record as also considering the averments of petitioner made in paragraphs no. 9 and 10 of the present petition to the effect that he is neither the owner of the tractor in question nor the driver of the tractor, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of A.D.J. II-cum- Special



Judge (Excise) Act, Katihar in connection with Barsoi PS case
no. 44 of 2021.

(Mohit Kumar Shah, J)

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