

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39251 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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BINDALAL KUMAR S/O PARMESHWAR YADAV @ PARMESHWAR
YADAV Resident of village- Karhara, P.S.- Tekari, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-08-2022 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.

The petitioner seeks bail in connection with Gaya

Excise P.S. Case No. 257 of 2022 registered for the offences

punishable under Sections 30(a), 56(b) of the Bihar Prohibition

and Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 154.50 litre illicit foreign liquor from the vehicle in question.

Petitioner is alleged to be driver of said vehicle and he was

apprehended on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.05.2022 and bears no criminal antecedent. Prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that neither any incriminating article was recovered from possession of the petitioner nor he has any concern with the alleged recovered liquor. Petitioner has no knowledge about the article kept in the vehicle.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, prosecution report has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Exclusive Excise Court No. 3, Gaya in connection with Gaya Excise P.S. Case No. 257 of 2022, 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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