

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55137 of 2021**

Arising Out of PS. Case No.-438 Year-2021 Thana- KAHALGAON District- Bhagalpur

Pradeep Kumar Yadav Son of Late Jamun Prasad Yadav Resident of
Nadiyatola, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prakritita Sharma, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 10-02-2022 The applicant/accused is given out of turn hearing on the ground that he is ill and is not getting proper medical treatment in jail. Vide order dated 29.01.2022 this Court directed the learned Additional Public Prosecutor to verify the genuineness of the ground.

The applicant/accused in Crime No. 438 of 2021 registered with Kahalgaon Police Station for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned Additional Public Prosecutor opposed



the application by contending that the applicant was the driver of the tempo from which 66 liters of illicit country-made liquor came to be seized.

I have considered the submissions so advanced and also perused the materials placed before me.

On the basis of secret information regarding transportation of liquor the police were checking the vehicle. The applicant was found driving a tempo in which a person named Lalan Kumar was travelling. From search of tempo 66 liters of country-made liquor came to be seized. The applicant and said Lalan Kumar were arrested.

The investigation of the subject crime is over. Co-accused Lalan Kumar is already directed to be released on bail by this Court vide order dated 01.02.2022. The applicant is reported to be a person with clean antecedent. Hence, I see no reason to deny bail to the applicant and hence, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 438 of 2021 registered with Kahalgaon Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -



(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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