

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55447 of 2022

Arising Out of PS. Case No.-459 Year-2022 Thana- FATEHPUR District- Gaya

SANDIP YADAV S/o Indradeo Yadav R/o village- Machrag, P.S.- Fatehpur,
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 459 of 2022 registered for the offences
punishable under Sections 414 of the IPC and Section 30(a) of
the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 100 litres country made liquor from the motorcycle in
question and petitioner is apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 19.07.2022 and bears no criminal
antecedent. He further submits that alleged seized motorcycle



does not belong to the petitioner and petitioner has no concern with the alleged recovered wine. He further submits that petitioner is quite innocent and falsely implicated in the case.

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, argument advanced on behalf of both sides 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 Special Excise Court No. 1, Gaya in connection with Fatehpur P.S. Case No. 459 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)

vashudha/-

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