

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67042 of 2021

Arising Out of PS. Case No.-55 Year-2021 Thana- AAJAM NAGAR District- Katihar

Gopal Yadav, aged about 22 years, male, Son of Late Birendra Yadav @ Late Birendra Prasad Yadav Resident of Belwa Kamat, P.S. Rani Patra, District - Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ajit Kumar Singh, Adv.

For the State : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned counsel for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

The petitioner seeks bail in *Azam Nagar Salmari PS Case No. 55 of 2021*, instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From an overturned trailer, there is alleged recovery of 135 liters of IMFL.

Learned counsel for the petitioner submits that petitioner has no concern with trailer in question or the illicit liquor



recovered from the same. The petitioner was not named in the FIR. During investigation, on obtaining his confessional statement, he has been made an accused in the instant case. Other than his own confessional statement, there is no material to connect him with the alleged recovery and his confession has been recorded under duress on account of his implication earlier in Barsoi PS Case No. 44 of 2021. He has remained in custody in connection with this case since 26.03.2021. The owner of the trailer has been allowed bail in Cr. Misc. No. 64747 of 2021.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submission, the manner in which the petitioner has been implicated, the fact that there is no recovery from the petitioner and period of custody as also the submission that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *ADJ IInd-cum- Special Judge, Katihar*, in connection with *Azam Nagar Salmari PS Case No.*



55 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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