

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57437 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- GAUTAMBUDHNAGAR District-
Siwan

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PRADEEP YADAV, S/o Late Sukhdev Yadav @ Sukadev Yadav, R/o Village-
Dindayalpur, P.S.- G.B. Nagar (Tarwara), Distt- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with G.B. Nagar P.S. Case No. 120 of 2022
registered for the alleged offences under Sections 30(a) and
41(1) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret
information about petitioner and the co-accused person bringing
India made foreign liquor on a Scorpio vehicle and parking the
same outside the house of the petitioner. A raid was conducted
and from the parked vehicle, recovery of 166.785 liters of India

made foreign liquor was made. The petitioner and co-accused fled away from the spot and they were named by the crowd which assembled at the spot as the persons who had brought and who owned the illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. Learned counsel further submits that recovery has been made from an old vehicle which was parked in front of house of the petitioner. In order to falsely implicate the petitioner, the illicit liquor was kept in the said vehicle. Charge sheet has been submitted in this case and the petitioner is in custody since 15.06.2022.

Learned A.P.P for the State opposes the prayer for bail of the petitioner submitting that the petitioner has criminal antecedent of two cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the

submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Unique Special Excise Court-1, Siwan in connection with G.B. Nagar P.S. Case No. 120 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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