

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11236 of 2023**

Arising Out of PS. Case No.-356 Year-2022 Thana- GURUA District- Gaya

GUDDU YADAV @ GUDDU KUMAR Son of Kamdev Yadav R/v-
Kothawara, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 03-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Gurua
P.S. Case No. 356 of 2022 registered for the offence punishable
under Section 30(a)/ 30(d) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 5500 kg. Mahua flower and 80 litres country made mahua
liquor from the truck in question and co-accused Sanjay Mandal
was apprehended on the spot who disclosed that petitioner was
driving the said truck who managed to flee away from there.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.01.2023 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, petitioner is not apprehended on the spot, 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. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No. 2, Gaya in connection with Gurua P.S. Case No. 356 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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