

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12566 of 2023

Arising Out of PS. Case No.-512 Year-2022 Thana- PATNA CITY CHOWK District- Patna

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GOPAL YADAV @ VIKKY YADAV S/O VIJAY YADAV Resident of
Village- Morcha Road, P.S.- Chowk, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Yogendra Kumar Singh

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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 Chowk
P.S. Case No. 512 of 2022 registered for the offences punishable
under Sections 30(a) and 37 of Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 12 litre Mahua Chulai wine which was kept in yellow
coloured plastic box nearby house of the petitioner. It is further
alleged that co-accused Dilip Paswan disclosed the name of the
present petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.01.2023, as mentioned in
impugned order and he bears twelve criminal antecedent of



similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has been arrested in Chowk P.S. Case No. 295 of 2021 and he has been remanded in twelve cases without a single drop of recovery.

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, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Patna City in connection with Chowk P.S. Case No. 512 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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