

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39354 of 2023

Arising Out of PS. Case No.-169 Year-2017 Thana- LAKHISARAI District- Lakhisarai

CHHOTI KUMAR YADAV son of Kallu Yadav Village- Bandu Panchayat
Bihari Po Ps- Padma Dist- Hajaribagh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Shaukat Alam, Advocate

For the Opposite Party/s : Mr Madan Kumar, APP

CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH
ORAL ORDER

2 05-07-2023 Heard learned counsel for the petitioner and the
learned APP.

The petitioner has preferred this application for grant of regular bail in connection with Lakhisarai (Kabaiya) PS Case No 169 of 2017 dated 23.04.2017 registered for the offence punishable under Sections 272, 273, 290 of IPC and Sections 30 (a), 32 (c), 38 (a) of Bihar Prohibition and Excise Act.

As per the prosecution case, 129 litres of foreign liquor was recovered from the Ambassador Car which the petitioner was driving.

Learned counsel for the petitioner has submitted that due to the lack of knowledge, the petitioner could not make proper pairvi in this case on account of which his bail bonds were cancelled. Thereafter, he voluntarily surrendered before the Court below. It is a case of first misuse of privilege of bail.



The petitioner bears clean antecedent, as stated in paragraph 3 of the bail petition. He is in custody in this case since 26.04.2023.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge IV -cum- Exclusive Special Court I, Excise, Lakhisarai in Lakhisarai PS Case No 169 of 2017 dated 23.04.2017 subject to the condition that:

The petitioner shall remain physically present before the Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail bonds are liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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