

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61214 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- KUCHAIKOTE District- Gopalganj

BITTU YADAV Son of Soran Singh Resident of Village - Dudiya, Lodhamai,
P.S.- Mirahchi, District - Etah, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indrajeet Bhushan

For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No. 316 of 2022, registered for the offences punishable under Sections 30(a), 32 (2), 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per allegation total 1755.00 liters of liquor has been recovered from a D.C.M. Truck bearing Registration No. UP81BT-0542.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered



from conscious possession of the petitioner. He also submits that petitioner is only the driver of the vehicle and he is not aware of the content material loaded in the said vehicle. He further submits that search and seizure has not been made as per the procedure as prescribed under Section 100 Cr. P.C.

He further submits that the petitioner has been languishing in jail since 13.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Additional



District and Sessions Judge, IV-Cum-Exclusive Special Excise
Court No. II, Gopalganj, in connection with Kuchaikote P.S.
Case No. 316 of 2022, on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedents, Ld.
court below shall cancel the bail bonds of the petitioner after
hearing him and getting satisfied that the petitioner has
concealed his criminal antecedents despite his knowledge of
the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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