

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71691 of 2023

Arising Out of PS. Case No.-473 Year-2023 Thana- DHANARUA District- Patna

=====

ROHIT KUMAR @ ROHIT YADAV Son of Yogendra Prasad @ Yogendra
Yadav Resident of Village - Malikana, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha

For the Opposite Party/s : Mr.Nityanand

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 05-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Spl.
Case No. 6128 of 2023 arising out of Dhanarua P.S. Case No.
473 of 2023 registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 600 litre country made
Mahua liquor was recovered from the tempo in question and
petitioner was apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is not the owner of the said tempo in question.
Petitioner is merely a driver of the said tempo and he has to
follow the instruction of his owner to earn the livelihood. No
incriminating article has been recovered from the possession of



the petitioner. Petitioner is in custody since 07.08.2023 and bears no criminal antecedent. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been made as per the law. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but he fairly conceded that Gautam Kumar Mallik is the owner of the tempo in question, as mentioned in para 25 of the case diary.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 2, Patna in connection with Special Case No. 6128 of 2023 arising out of Dhanarua P.S. Case No. 473 of 2023, 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)

alok/-

U		T	
---	--	---	--

