

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74670 of 2023

Arising Out of PS. Case No.-347 Year-2023 Thana- KONCH District- Gaya

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SANJAY KUMAR SON OF BINESHI YADAV @ BINESH YADAV R/O
VILLAGE- CHIRAILI, P.S.- TEKARI, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Konch
P.S. No. 347 of 2023 registered for the offences punishable
under Sections 30(a) and 41 of the Bihar Prohibition and Excise
Amendment Act.

3. As per prosecution case, there was alleged
recovery of 265 liter country made chulai liquor from the pickup
van in question. Petitioner and others apprehended on spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 23.07.2023. Petitioner bears no
criminal antecedent. Learned counsel further submits that
nothing has been recovered from the conscious possession of
the petitioner. Petitioner has nothing to do with the alleged



occurrence or with the alleged recovered goods. There is no compliance of Section 100 of the Cr.P.C. Petitioner is not the owner of the said pickup van and he has no knowledge about the alleged recovered liquor. In the light of aforesaid facts and circumstances of the case, no case under the provisions of Bihar Excise and Amendment Act is made out against the petitioner. Learned counsel further submits that co-accused Ashok Kumar has already been granted bail vide Cr. Misc. No. 65194 of 2023 by a co-ordinate bench of this Court and the case of present petitioner stands on similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner, co-accused has already been granted bail, argument advanced on behalf of the parties 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 Exclusive Special Judge, Excise IV, Gaya in connection with Konch P.S. Case No. 347/2023, 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)

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