

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76368 of 2023

Arising Out of PS. Case No.-324 Year-2023 Thana- PHULWARIYA District- Gopalganj

Pintu Yadav @ Pritam Kumar Yadav @ Pritam Kumar S/O Ramchandra Prasad Yadav @ Ramchandra Prasad @ Gadan Chaudhary R/O Balesara, P.S- Uchkagaon, Distt.- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepankar Raj

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Phulwariya P.S. Case No. 324/2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Section 414 of the Indian Penal Code, 1860.

3. As per prosecution case, there was alleged recovery of total 578.880 liters foreign liquor from Scorpio vehicle in question. It is alleged that three persons were seated in the vehicle in which two persons were apprehended on the spot and another person fled away from the place of occurrence. Apprehended persons disclosed the name of present petitioner who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 30.09.2023 and bears criminal antecedent of four cases. He further submits that the petitioner has been implicated in the case one after another in a routine manner. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner was neither owner nor driver of the said vehicle in question. He further submits that the petitioner has nothing to do with the alleged occurrence and he is not apprehended on the spot. He further submits that the seizure list has not been prepared as per the law. He

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

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, 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



bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-II cum Special Judge, Excise-I, Gopalganj in connection with Phulwariya P.S. Case No. 324/2023, 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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