

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77711 of 2023**

Arising Out of PS. Case No.-197 Year-2023 Thana- GOPALPUR District- Gopalganj

PINTU YADAV SON OF RAMCHANDRA PRASAD YADAV @  
RAMCHANDRA PRASAD R/O BALESARA, P.S.- UCHKAGAON,  
DISTT.- GOPALGANJ

... .. Petitioner/s

Versus

The State of 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      04-12-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with  
Gopalpur P.S. Case No. 197/2023 dated 12/08/2023 registered  
for the offences punishable under Sections 30(a) of the Bihar  
Prohibition and Excise Act, 2022.

As per prosecution case, 528.600 litre country  
made liquor was recovered from Scorpio vehicle in question.  
Three persons namely Niraj Yadav, Ujesh Kumar and Sunil  
Kumar apprehended on spot. The apprehended accused persons  
further disclosed the name of the petitioner and other who  
succeeded in fleeing away from place of occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is not apprehended on spot. Except disclosure of the apprehended co-accused persons, there is nothing on record to connect the petitioner with the alleged occurrence. Basically no incriminating article has been recovered from conscious possession of petitioner. Petitioner is in custody since 13.09.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of four cases.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-IV - cum – Exclusive Special Excise Court-II, Gopalganj in connection with Gopalpur P.S. Case No. 197/2023



dated 12/08/2023, subject to the 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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