

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77828 of 2023

Arising Out of PS. Case No.-101 Year-2023 Thana- SRINAGAR District- West Champaran

BABLU KUMAR YADAV @ BABLU KUMAR S/O DEBBA YADAV @
DEBA YADAV R/O VILLAGE- DIN DHABELAWA, P.S- YOGAPATTI,
DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr.Ramesh Chandra

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
Srinagar P.S. Case No. 101/2023 registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that 1434.24
litre country made foreign liquor was recovered from the toilet
cleaning tank of tractor in question. It is further alleged that
720ml foreign liquor was recovered from a motorcycle in
question. Petitioner is alleged to be the driver of the motorcycle
and he apprehended on spot.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. It is further alleged that petitioner is no way connected with the alleged occurrence. On account of hot talk with the police, petitioner's name has been falsely implicated in this case. Petitioner has no concern with any of the vehicles in question. Petitioner is in custody since 14.08.2023. Learned counsel submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. It is further submitted that seizure list has not been made as per law. Petitioner bears no criminal antecedent.

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, keeping in view the 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 Exclusive Special Court, Excise – II, Bettiah, West Champaran in connection with Srinagar P.S. Case No. 101/2023 , 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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