

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6796 of 2024

Arising Out of PS. Case No.-136 Year-2021 Thana- KHARIK District- Bhagalpur

Pappu Yadav S/O Late Harendra Yadav Village- Jagir Kariya, Ps. Kotwa,
Dist. East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the State : Mr. Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Kharik
P.S. Case No. 136 of 2021 instituted for the offence under
Sections 30(a) & 38(i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of total
10720 liters of spirit from truck bearing registration No.
BR01GA5406.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 05-12-2023. Petitioner
bears one criminal antecedents, as per disclosure made in



paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Name of the petitioner has been disclosed by one 'Laddu Singh' who is co-driver of the truck and he alleges that the spirit was brought on the order of some accused persons including the petitioner. Petitioner has no concern with the alleged recovered spirit. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other similarly situated co-accused persons have been granted bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 60416 of 2023, Cr. Misc. No. 4476 of 2024 & Cr. Misc. No. 53578 of 2021.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, claim based on parity and manner of implication, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kharik P.S.



Case No. 136 of 2021.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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