

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6509 of 2024

Arising Out of PS. Case No.-184 Year-2023 Thana- VISHAMBHARPUR District- Gopalganj

1. SAMENDRA YADAV S/o Kedar Yadav R/o Village-Rampur Madho, P.S.-
Kuchaikote, District-Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Adesh Raj Singh, Advocate
For the State	:	Mr. Anuj Kumar Shrivastava, 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
Vishambharpur P.S. Case No. 184 of 2023 instituted for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

3. As per prosecution case, there is recovery of total
108.00 liters of illicit country made liquor from two gunny bag,
which was loaded on the motorcycle.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 22-11-2023. Petitioner
bears five 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. Petitioner has no concern with the alleged recovered liquor. Petitioner is neither the owner nor the driver of the vehicle in question. In fact, seizure list is not prepared in accordance with law. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973.

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 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 Vishambharpur P.S. Case No. 184 of 2023 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on



two consecutive dates, the Trial Court will have liberty to
cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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