

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7340 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- BARAULI District- Gopalganj

SANTU KUMAR YADAV Son of Late Chandip Rai @ Late Chandip Yadav
Resident of Village-Bucheya, Police Station-Sidhwaliya, District-Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Singh, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

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

ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barauli
P.S. Case No. 438 of 2023 instituted for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act.

3. Prosecution story, in short, is that altogether
179.760 litres foreign liquor was recovered from gunny bags
which were tied on two motorcycles. The petitioner along with
other co-accused, Manjit Kumar Yadav, was apprehended on the
spot.

4. Learned counsel for the petitioner submitted that the



petitioner has falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovery. Learned counsel further submitted that petitioner has no concern with the vehicle from which the alleged recovery has been made and petitioner is neither the owner nor the driver of the said vehicle. There is no compliance of Section 100 of the Cr.P.C. Similarly situated co-accused person, Manjit Kumar Yadav, has already been granted bail by a Coordinate Bench of this Court vide order dated 18.01.2024 passed in Cr. Misc. No. 84462 of 2023. It has been submitted on behalf of the petitioner that the petitioner is in custody since 28.10.2023 and has no criminal antecedent.

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

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

7. 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 Barauli P.S. Case
No. 438 of 2023.

(Rudra Prakash Mishra, J)

Alok Verma/-

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