

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14552 of 2024

Arising Out of PS. Case No.-278 Year-2023 Thana- KOTWA District- East Champaran

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Dadan Kumar Yadav @ Dadan Yadav Son of Late Rajdeo Yadav @ Late Rajdev Yadav R/o Village- Bhopatpur, P.S.- Kotwa (Bhopatpur O.P.), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 04-03-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kotwa P.S. Case No. 278 of 2023 instituted for the offences under Sections 272, 273 of the Indian Penal Code and Section 30(a), 32, 36, 41(i) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered total 750.6 liters foreign liquor from the Maruti car as well as the pick-up van.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner was not arrested at the spot and has been made accused in this case on the basis of confessional statement of apprehended co-accused persons. The petitioner has no concern with the seized liquor or the alleged pick-up van or the Maruti Alto car and he is not the owner of the said vehicles. The petitioner has two criminal antecedents as has been stated in paragraph no.3 of the present bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 15.01.2024.

5. Learned counsel for the petitioner again submits that several co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide orders dated 26.09.2023, 27.09.2023, 15.09.2023 and 15.09.2023 passed in Cr. Misc. Nos. 62144 of 2023, 62281 of 2023, 61645 of 2023 and 62044 of 2023 respectively.

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

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also the prayer for bail based on parity, let the



petitioner, abovenamed, 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 Kotwa P.S. Case No. 278 of 2023.

(Rudra Prakash Mishra, J)

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