

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19563 of 2024

Arising Out of PS. Case No.-58 Year-2022 Thana- SIKARHATTA District- Bhojpur

Atal Yadav @ Lalbabu Yadav Son of Mithlesh Singh @ Mithlesh Yadav
Resident of Vill.-Sedha, P.S.-Tarari, Distt-Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Sikarhatta P.S. Case No. 58/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged recovery
of 120 liters country made liquor from the motorcycle in
question and apprehended co-accused Lallu Yadav and Nandan
Kumar disclosed the name of the petitioner as alleged recovered
wine was stated to have belonged to the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession



of the petitioner. The petitioner is languishing in custody since 08.01.2024 and bears criminal antecedent of three cases. The petitioner is not apprehended on the spot. Except disclosure of apprehended co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that the petitioner was neither owner of the said motorcycle nor was concerned with the seized liquor. Co-accused Lallu Yadav and Nandan Kumar @ Nandan Yadav who are alleged to be apprehended on the spot, have already been granted bail by this Court vide Cr. Misc. No.34225/2022 and the case of present petitioner stands on better footing as he is not apprehended on the spot.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused persons have already been granted bail, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special



Excise Judge-2nd Bhojpur, Ara in connection with Sikarhatta
P.S. Case No. 58/2022, subject to 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)

amitkumar/-

U		T	
---	--	---	--

