

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18479 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- NIRMALI District- Supaul

Prabhu Yadav S/O Chandeshwar Yadav R/O Village- Kisanipatti, P.S-
Ghoghardiha, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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

ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial Excise No. 2447 of 2023, arising out of Nirmali P.S. Case No. 125 of 2023, instituted for the offences punishable under Sections 272, 273, 420, 120(B), 34 of the I.P.C., Sections 30(a), 32, 34 and 36 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 1376.625 liters liquor was recovered from truck.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern



with the alleged recovery of liquor. It is further submitted that name of the petitioner has been transpired from the confessional statement of co-accused Prosanjit Saha. The petitioner has been remanded in this case on 29.01.2024 and has got eight criminal antecedents out of which the petitioner is on bail in four cases. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.08.2023 passed in Cr. Misc. No. 50366 of 2023. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP 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 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial Excise No. 2447 of 2023, arising out of Nirmali P.S. Case No. 125 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)

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