

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25074 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- NARPATGANJ District- Araria

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BINOD KUMAR SON OF MAHANT MANDAL @ MAHENDRA YADAV
Resident of Village - Jiwachhpur, Ward No.3, P.S. - Pratapganj, District -
Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Narpatganj P.S. Case No. 491/2023 registered for the offences punishable under Sections 272, 273 of the I.P.C. read with Section 3/4 of the prevention of damage to Public Property Act, 1984 and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, informant and police officials intercepted Scorpio which was being driven by co-accused Shah Jahan. During the course of search, total 177 litre illicit liquor was recovered from Scorpio in question. It is further alleged that Vivo Mobile Phone and Rs. 12,000/- was recovered from the pant of co-accused Shah Jahan. It is further alleged that informant and Police officials also intercepted a Pickup van which was being driven by the



co-accused Nitish Kumar and he was apprehended on spot. During the course of search, total 1350 litre illicit Nepali liquor was recovered from the said Pickup van in question.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation his name has been surfaced in the present case. Petitioner is in custody since 23.12.2023 and bears no criminal antecedent. Charge-sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the Pickup van in question which was alleged to be recovered from the place of occurrence belongs to the petitioner and it is a commercial vehicle. He further submitted that the said vehicle has been misused by the driver for illegal purposes. Seizure list has not been made as per law. He further submitted that co-accused Nitish Kumar who is apprehended on the spot, has already been granted bail by this Court vide Cr.Misc. No. 76021 of 2023 and the case present petitioner stands on better footing as he is neither apprehended on spot nor named in FIR.

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

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused has 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise – 1, Araria in connection with Narpatganj P.S. Case No. 491 of 2023, 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)

Vashudha/-
Krishnakant

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