

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24519 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- CHHATAPUR District- Supaul

Dilip Yadav @ Dileep Yadav Son of Baleshwar Yadav Resident of Village-
Anandpur, Ward No. 10 (O.P.- Rajeshwari), P.S.- Chhatapur, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prafull Chandra Thakur

For the Opposite Party/s : Mr. Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 27-03-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Chhatapur P.S. Case No. 99/2023 (S.T. No.388/2023) registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 562.500 liters foreign liquor was recovered from milk van in question. It is alleged that local people disclosed the name of the petitioner and others who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the



alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner and he is not apprehended on the spot. The petitioner is languishing in custody since 21.01.2024 and bears one criminal antecedent which is registered after institution of present case. He further submits that the alleged milk van does not belong to the petitioner and the alleged seized liquor also does not belong to the petitioner. He further submits that the seizure list has not been prepared as per the law. Learned counsel for the petitioner orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The petitioner is not in any way connected with the alleged occurrence. On similar and identical allegation, co-accused Manoj Yadav has already been granted bail by this Court vide Cr. Misc. No.79264/2023 and on the principle of parity, the petitioner also deserves same treatment.

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 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Special Judge-1 (Excise), Supaul in connection with Chhatapur P.S. Case No. 99/2023, 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)

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