

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27868 of 2024

Arising Out of PS. Case No.-55 Year-2019 Thana- THARTHARI District- Nalanda

Kopa Yadav S/O - Singeshwar Yadav R/O - Village Atbalchak, Police Station
Tharthari, District Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate

For the Opposite Party/s : Mr. C. Jawahar, APP

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

ORAL ORDER

2 09-04-2024 Heard Mr. Ganesh Sharma, learned counsel for the
petitioner and Mr. C. Jawahar, learned APP for the State.

2. The petitioner seeks bail in Tharthari P.S. Case No.
55 of 2019, instituted for the offences punishable under Sections
272, 273 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 20 liters
liquor was recovered from Atabalchak in Badhar near *Pain*.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and 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 the alleged place of recovery does not belong to the petitioner and name of the petitioner has transpired on the basis of disclosure made by local chaukidar. The petitioner is in custody since 31.01.2024 and has got eight criminal antecedents in which the petitioner is on bail. 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 Tharthari P.S. Case No. 55 of 2019, 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.



(III) Further condition is that, petitioner shall not
commit such type of offence during the course of the trial.

(Rudra Prakash Mishra, J)

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