

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30081 of 2024

Arising Out of PS. Case No.-458 Year-2023 Thana- PHULWARIYA District- Gopalganj

Sandeep Kumar @ Sandeep Yadav S/o Chandrama Chaudhary @ Chandrama
Yadav R/o Village Manbodh Parsauni PS Uchkagaon District Gopalganj
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate
For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 20-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Phulwariya P.S. Case No. 458 of 2023, instituted for the offences punishable under Sections 414, 34 of the Indian Penal Code, Sections 47, 48, 52 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, there is no recovery of liquor. Police apprehended three co-accused persons in a motorcycle, on interrogation the accused persons failed to produce any valid documents for the same and disclosed that the petitioner had given the motorcycle to the co-accused persons for carrying liquor.

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 motorcycle. It is further submitted that the petitioner is not the owner of the seized motorcycle in question and name of the petitioner has transpired on the basis of confessional statement made by the co-accused persons. The petitioner is in custody since 11.01.2024 and has got two criminal antecedents in which the petitioner is on bail in one case. 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 Phulwariya P.S. Case No. 458 of 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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