

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33458 of 2024

Arising Out of PS. Case No.-37 Year-2024 Thana- SANHAULA District- Bhagalpur

Vishal Yadav @ vishal Kumar @ Vishal son of Mantu Kumar R/o Village-
Bhimkitta, P.S- Madhusudanpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Maslehuddin Ashraf, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

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

ORAL ORDER

2 06-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Special Excise Case
No. 1129 of 2024, arising out of Sanhaula P.S. Case No. 37 of
2024, instituted for the offences punishable under Section 30(a)
of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 91.125 liters
liquor was recovered from tempo. The petitioner along with
other co-accused persons were apprehended on spot driving a
car from which no recovery has been made.

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 and no recovery has been made from the car of the petitioner. It is further submitted that the petitioner neither the owner of the car nor the owner of the tempo. Name of the petitioner has transpired on the basis of confessional statement of co-accused Triveni Yadav which has no evidentiary value. The petitioner is in custody since 12.03.2024 and has got four 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 Special Excise Case No. 1129 of 2024, arising out of Sanhaua P.S. Case No. 37 of 2024, 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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