

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51576 of 2024

Arising Out of PS. Case No.-306 Year-2023 Thana- PHULWARIYA District- Gopalganj

Sandeep Kumar @ Sandeep Yadav Son of Chandrama Chaudhary @
Chandrama Yadav R/O Village - Manbodh Parsauni, P.S.- 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. Kumar Ranjit Ranjan, APP

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

ORAL ORDER

- 2 19-07-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 306 of 2023 instituted for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.
3. The prosecution case, in short, is that total 189 litres
of liquor was recovered from a motorcycle.
4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is not named in the FIR. The name of the petitioner
transpired in this case on the basis of confessional statement of
the co-accused Bullet Ram. The co-accused persons have



already been granted bail by the co-ordinate Bench of this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 70381 of 2023. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is neither the owner nor the driver of the vehicle. Charge-sheet has been submitted in this case and cognizance has also been taken against the petitioner. The petitioner has got no concern with the alleged recovery of liquor. The petitioner is in custody since 05.03.2024 and has four criminal antecedents. There is no compliance of Section 100 of the 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, claim based on parity 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/- (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. 306 of 2023, 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)

Alok Verma/-

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