

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56235 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- BODHGAYA District- Gaya

Pintu Yadav @ Fothca @ Phocha @ Pintu Kumar Son of Ram Khelawan
Yadav R/O Vill.- Mastpura, P.s.- Bodh Gaya in the dist. of Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard learned counsel appearing on behalf of

the petitioners and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner seek bail in

connection with Bodh Gaya P.S. Case No. 158 of 2024,

registered for the offence punishable under Section

30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R.

and is in custody since 29.04.2024.

4. The allegation against above named

petitioner is to involve in illegal trading of illicit liquor,

wherein 1.125 litres of illicit liquor alleged to be



recovered from the straw-house of one co-accused Pappu Kumar.

5. Learned counsel appearing on behalf of the petitioner submitted that implication of petitioner appears on the basis of confessional statement of co-accused Nitish Kumar, who alleged to rob petitioner, for which a separate case i.e. Magadh University P.S. Case No. 56 of 2024 was lodged by petitioner. It is further submitted that alleged illicit liquor appears to be recovered from the house of co-accused Pappu Kumar and not from this petitioner. It is pointed out that petitioner found involved in four more criminal cases of similar nature, where he is on bail in three cases. While concluding the argument, it is submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the aforesaid facts and



circumstances, as recovery of illicit liquor not appears to be made *prima facie* from the conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted accordingly, above named petitioner is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum-Exclusive Special Excise Judge Court No. 1, Gaya/concerned court, in connection with Bodh Gaya P.S. Case No. 158 of 2024, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of BNSS.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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