

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55320 of 2024

Arising Out of PS. Case No.-681 Year-2023 Thana- WAJIRGANJ District- Gaya

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Damodar Yadav @ Damodar Kumar son of Late Ram Prasad Yadav Village-
Dumari Tapsa, Po- Fatehpur, Ps-Wazirganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Wazirganj P.S. Case No. 681 of 2023 registered for the offences
punishable under Section 30 (a) of Bihar Prohibition and Excise
Act.

3. As per prosecution case, there was alleged
recovery of 320 litre country made mahua liquor from Indigo
car in question. Co-accused, Pappu Kumar Yadav, apprehended
on the spot and he disclosed the name of petitioner who fled
away from the place of occurrence.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 05.06.2024 and bears criminal
antecedent of two cases. Learned counsel further submits that



petitioner is neither owner nor driver of the car in question. Nothing has been recovered from the conscious possession of the petitioner. Except disclosure of co-accused, Pappu Kumar Yadav, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case. He further submits that co-accused, Pappu Kumar Yadav, who was apprehended on the spot has already been granted bail by this Court vide Cr. Misc. No. 1437 of 2024 and the case of present petitioner stands on better footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, Court No. V, Gaya in connection with Wazirganj P.S. Case No. 681 of 2023 , subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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