

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72473 of 2023

Arising Out of PS. Case No.-549 Year-2023 Thana- WAJIRGANJ District- Gaya

Pradeep Kumar S/O Ganeshi Yadav @ Ganesh Yadav, R/o Village- Parsatari,
PS. Chauparan, Dist. Hazaribagh (JHARKHAND).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 07-02-2024 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. 549/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. As per prosecution case, there was alleged
recovery of 100 liters country made Mahua wine from Honda
Shine motorcycle and the petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. Nothing has been recovered from the conscious possession
of the petitioner. The petitioner is languishing in custody since
31.08.2023. Learned counsel for the petitioner submits that in



para 3 of the bail petition, the petitioner has no criminal antecedent but he has filed supplementary affidavit and stated that the petitioner has one criminal antecedent. He further submits that the petitioner was neither owner nor driver of the said motorcycle in question. Basically, he was coming alongwith his mother and merely on suspicion apprehended on the spot. Except suspicion there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

6. Considering the facts and circumstances of the case, period of custody, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-V, Gaya in connection with Wazirganj P.S. Case No. 549/2023, 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)

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