

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75989 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- TILAUTHU District- Rohtas

Yogendra Prasad @ Pintu Sah @ Pintu Kumar Son of Durga Sah @ Durga Prasad Sah @ Durga Prasad Resident of Village - Uttar Patti, Tillouthu, P.S. -Tillouthu, District - Rohtas, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Tilouthu P.S. Case No. 141 of 2024 instituted for the offences under Section 30(a) of the Bihar Excise & Prohibition Act, 2018.

3. As per prosecution case, the police has recovered total 70.875 litres illicit foreign liquor from the dickey of white colour car bearing Regd. No. BR-24-AL-9835.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. The petitioner was neither



present at the place of occurrence nor anything incriminating has been recovered from his conscious possession. The petitioner is not the owner of the vehicle, in question. The petitioner has also no concern with the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has nine criminal antecedents and is languishing in judicial custody since 24.08.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Tilouthu P.S. Case No. 141 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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