

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82833 of 2024

Arising Out of PS. Case No.-276 Year-2019 Thana- AGAMKUAN District- Patna

Kallu Yadav @ Kallu Prasad S/O Late Lalbabu Yadav Resident Of Village-
Kumhrar, Gwal Toli, Police Station-Agamkuan, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-12-2024

Heard the parties.

2. The petitioner is in custody in connection with Special Case No. 3074 of 2019 arising out of Agamkuan P.S. Case No. 276 of 2019 for the offence punishable under sections 30 (a), (b), 38 & 41 of Bihar Prohibition & Excise Amendment Act, 2016 lodged on 19.03.2019 by the informant, Vijay Kumar.

3. As per the prosecution story, the informant alleged that while on patrolling duty, it found some accused trying to escape, upon apprehending them, there is/was recovery of 320 liter country made liquor, which led to arrest. They gave the name of this petitioner as one of the accomplice. This led to the FIR.

4. It is the case of the petitioner that though the matter is of the year 2019, he never came to know about his



implication and only after he was arrested in Agamkuan P.S. Case No. 830 of 2024 again under the same Section that he has been remanded in the present case and is in custody since 15.10.2024.

5. It is his further submission that though the police has implicated him in 17 cases, he is on bail in all the cases. The last submission is that fed up with the acts of the police in implicating him in number of cases, the petitioner intends to leave the district for six months if granted relief and will be providing the details of the stay along with the police station where he shall appear every fortnight to register his presence.

6. Learned APP opposes the prayer for bail submitting that the matter is of the year 2019.

7. Taking into account the submissions put forward by the parties as also that the categorical statement has been made that the petitioner is on bail in all the cases, his name in the present case has come under the confessional statement of those arrested, in that background, this Court is inclined to extend him the privilege of bail with conditions that he shall leave the district, as undertaken and shall provide all the details (address/Police Station), where he shall appear every fortnight for six months whereafter upon return to Patna, he shall be



reporting the concerned police station every fortnight for next six months. The certificate of his place of stay for the next six months shall be submitted along with the bail bond itself before the Trial Court .

8. Further, if it is found that the statement regarding the petitioner having been granted bail in all the cases is false, this order shall become infructuous.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Special Case No. 3074 of 2019 arising out of Agamkuan P.S. Case No. 276 of 2019 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station of his place of stay for next six months every



fortnight. Upon return, he shall appear before Agamkuan Police Station every fortnight for the next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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