

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82390 of 2024

Arising Out of PS. Case No.-830 Year-2024 Thana- AGAMKUAN District- Patna

Kallu Yadav @ Kallu Prasad Son of Late Lalbabu Yadav Resident of Village -
Kumhrar, Gwal Toli, Police Station - Agamkuan And District - 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.Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Agamkuan P.S. Case No. 830 of 2024 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

3. As per prosecution case, the police has recovered
total 355.98 liters of illicit English liquor from three different
vehicles.

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.
The petitioner was neither arrested on spot nor any person



disclosed his name of being involved in the occurrence and has falsely been implicated in the present case on the basis of suspicion and criminal antecedent. The petitioner is not the owner of any of the seized three vehicles. The petitioner has also no concern with any of the businessman or illegal liquor. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the seized liquor or the alleged vehicles. 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 altogether seventeen criminal antecedents and, in all of them, he is on bail and is languishing in judicial custody since 19.10.2024 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, stating that huge quantity of illicit liquor has been recovered. The petitioner has seventeen criminal antecedents and, hence, he does not deserve bail.

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, *after*



framing of charge if not already framed, 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 Agamkuan P.S. Case No. 830 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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