

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84497 of 2024

Arising Out of PS. Case No.-403 Year-2024 Thana- KUCHAIKOTE District- Gopalganj

Aakash Yadav @ Akash Kumar, Male, Aged about-20 years, Son of Omprakash Yadav, Resident of- Khem Matihaniya, P.S.- Bishambharpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agrawal, Sr. Advocate
	:	Mr. Saroj Kumar Chaudhary, Advocate
For the Opposite Party/s	:	Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Kuchaikote PS Case No. 403 of 2024 instituted for the offences under Sections 317(5) of B.N.S and 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 49.280 litres of foreign liquor was recovered from the motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been



recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that petitioner is not the owner of the seized motorcycle. The petitioner is in custody since 24.09.2024 and has got five criminal antecedents. There is no compliance of Section 103 of B.N.S.S.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Kuchaikote PS Case No. 403 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Ranjan/-

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