

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3081 of 2024**

Arising Out of PS. Case No.-478 Year-2023 Thana- KATEYA District- Gopalganj

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Pintu Kumar Yadav Son Of Durgesh Choudhari(Choudhari) Resident Of  
Village-House No.-54, Ward No.-01, Sareya (Usra Tola )P.S.- Katiya  
(Kateya), District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Akshay Lal Pandit

For the Opposite Party/s : Mr.Gauri Shankar Gupta

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      30-01-2024                      Learned counsel for the petitioner is permitted to  
  
make necessary correction in para 10 of the bail petition filed on  
  
behalf of the petitioner during the course of the day.

Heard learned counsel for the petitioner and learned  
  
A.P.P. for the State.

3. The petitioner seeks bail in connection with  
  
Kateya P.S. Case No. 478 of 2023 registered for the offences  
  
punishable under section 414/34 of the IPC and section 30(a) of  
  
the Bihar Prohibition and Excise Amendment Act, 2018.

4. As per prosecution case, petitioner and others  
  
are said to have apprehended on the spot and during the course  
  
of search, 95.400 litre country made liquor was recovered from  
  
TVS sports motorcycle in question which was being possessed



by the present petitioner. It is further alleged that petitioner does not produce the paper of the motorcycle in question.

5. Learned counsel for the petitioner submits that petitioner is in custody since 12.11.2023 and bears criminal antecedent of three cases and orally submits that he is on bail in all the cases. He further submits that petitioner apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged occurrence. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

6. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

7. 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum Special Judge Excise-1,



Gopalganj in connection with Kateya P.S. Case No. 478 of 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)**

vashudha/-

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