

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2313 of 2022

Arising Out of PS. Case No.-54 Year-2021 Thana- UPHARA District- Aurangabad

BAIJNATH YADAV S/o- LATE LOHADI YADAV Resident of Village-
Khaira, P.S.- Uphara, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-03-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 16.11.2021,
seeks regular bail in connection with Uphara P.S. Case No. 54 of
2021, Special (Excise) Case No. 1437 of 2021 for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

Allegation is of recovery of 266.250 litres of illicit
liquor from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. The F.I.R. does not speak of the fact that in what manner the huge quantity of liquor which were for sale in the State of Jharkhand has entered into the State of Bihar. He further submits that nothing has been recovered from conscious possession of the petitioner as he was not present at the place of recovery. There is every possibility that the seized items which were for sale in the State of Jharkhand may have been deliberately seized, as it would appear from the seizure list that none of the family members have been made to sign on the said seizure list nor the seizure list was handed over to any of the family members. It appears that the seizure list was prepared to implicate the petitioner in an illegal manner by the police. Petitioner is in custody since 16.11.2021.

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

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner and nothing has been recovered from the conscious possession of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned Addl. District Judge-II cum



Special Judge, Excise Act, Aurangabad in connection with Uphara P.S. Case No. 54 of 2021, Special (Excise) Case No. 1437 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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