

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4959 of 2022

Arising Out of PS. Case No.-246 Year-2020 Thana- KATEYA District- Gopalganj

Kishan Yadav @ Krishna Yadav @ Kisan Yadav Son Of Surendra Yadav @
Suli Chaudhary R/O Village- Bhopatpur, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 246 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The petitioner is named in the FIR and is in
custody since 16.09.2021.

The allegation against the petitioner is to have in
possession of 18 litre of illicit country made liquor.

Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor has
been made from the front of house of the petitioner i.e. from the



open place. He has further been submitted that petitioner is involved in other 5 cases of similar nature, out of which, he is on bail in 4 cases. While arguing over the matter, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the physical or conscious possession of the petitioner and coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No. 246 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Excise, Gopalganj subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be father-in-law of the petitioner, namely, Ravindra Yadav, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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