

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7047 of 2022

Arising Out of PS. Case No.-246 Year-2019 Thana- MIRGANJ District- Gopalganj

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BECHU YADAV @ AMARJIT YADAV @ AMARJEET CHOUDHARY @
AMARJIT YADAV @ AMARAJIT YADAV SONS OF LATE MANGAL
YADAV R/O VILLAGE- JIGNA RAJGHAT, P.S.- MIRGANJ, DISTRICT-
GOPALGANJ -841438

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Narayan, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 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
Mirganj P.S. Case No. 246 of 2019 registered for the offence
under Sections 30(a) and 37(b)(c) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

The petitioner is named in the FIR and is in
custody since 26.10.2021.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, wherein, a recovery of 361.44
litre of illicit whiskey has made from the *Bhusauli* of co-



accused, namely, Akash Yadav.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit whiskey is not from the possession of the petitioner. It has also been submitted that the main accused, Akash Yadav has already been granted bail by a Ld. co-ordinate Bench of this Court vide order dated 20.10.2020 in Cr. Misc. No. 27185 of 2020. It has further been submitted that there is no compliance of Section 100 of Cr.P.C. Moreover, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail, fairly conceded the fact that alleged recovery of illicit whiskey was not made from the conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation to connect the petitioner with the alleged recovery of illicit/illegal whiskey, let the petitioner, above named, is directed to be released on bail in connection with Mirganj P.S. Case No. 246 of 2019 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 District and Sessions Judge-II-



cum-Special Judge, Excise Act, 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) That 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 wife of the petitioner, namely, Asha Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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