

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7030 of 2022

Arising Out of PS. Case No.-592 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

BIRENDRA YADAV S/o Shivbachan Yadav R/o village- Odar, P.S.- Sonhan,
District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate
For the Opposite Party/s : Mr. Sangeeta Sharma, APP

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
Mohania P.S. Case No. 592 of 2021 registered for the offence
under Sections 30(a) and 41(i) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

The petitioner is named in the FIR and is in
custody since 29.12.2021.

The allegation against the petitioner is to have in
possession of 478.08 litre of illicit foreign liquor which has been
recovered from his pickup van.

Learned counsel appearing on behalf of the



petitioner submitted that the consignment was loaded in pickup van in close wooden box and it was not in the knowledge of the petitioner that he is carrying illicit foreign liquor. It has been submitted that the petitioner is a man of clean antecedent and charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence. While arguing over the matter, it has further been submitted that the petitioner is owner-cum-driver of the alleged vehicle.

Learned APP while opposing the prayer for bail, fairly conceded the fact that the petitioner has no knowledge about the consignment of illicit foreign liquor.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation, which may suggest that the petitioner was under knowledge as regard to the consignment of illicit foreign liquor, let the petitioner, above named, is directed to be released on bail in connection with Mohania P.S. Case No. 592 of 2021 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-2nd-cum-Special Judge (Excise) 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 brother-in-law of the petitioner, namely, Jagbahadur Yadav, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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