

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9439 of 2022

Arising Out of PS. Case No.-412 Year-2021 Thana- PHULWARIYA District- Gopalganj

Shambhu Yadav @ Sambhu Yadav, Son of Late Khedan Yadav, Resident of Village - Songadhawan, Police Station - Fulwariya (Sripur O.P.), 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. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Phulwariya (Sripur O.P.) P.S. Case No. 412 of 2021 registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Allegedly, the petitioner was carrying illicit liquor on his motorcycle and when the police tried to stop him, the petitioner fled away from the spot leaving behind his



motorcycle on which 20 litres country made liquor was kept in a Jerrycan, however, the petitioner was also apprehended after chase.

The learned counsel for the petitioner submits that nothing has been recovered from the conscious possession of this petitioner as is apparent from the FIR. The seized motorcycle and the liquor do not belong to this petitioner. Charge-sheet has been submitted in this case and the petitioner is in custody since 08.11.2021.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise), Gopalganj in connection with Phulwariya (Sripur O.P.) P.S. Case No. 412 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted



only after framing of charge, if not already framed.

(ii) One bailor will be the deponent, who has sworn the affidavit and another bailor will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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