

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10074 of 2022

Arising Out of PS. Case No.-589 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SURESH YADAV @ SURESH KUMAR SON OF LATE SAMAR
MAHADUR YADAV R/O VILLAGE- PAPRAWAN, P.O.- KATWAR, P.S.-
BARSATHI, DISTRICT- JAUNPUR, UTTAR PRADESH. PRESENT
ADDRESS- VILLAGE- LAMBAIYA LAXMANPATTI, P.S.- AOURAIYA,
DISTRICT- SANT RAVIDAS NAGAR, UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Prakash, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2022 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 Mufassil

P.S. Case No.589 of 2021 registered for the offence under

Sections 467, 468, 471, 120(B), 420 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in

custody since 20.11.2021.

The allegation against the petitioner is to have in

possession of 99 litres of illicit Indian made foreign liquor.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is a driver of the alleged vehicle and nothing surfaced during course of investigation, which may suggest that petitioner was under knowledge regarding consignment of illicit liquor. It has further 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.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is a driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, who is man of clean antecedent 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 Mufassil P.S. Case No. 589 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 Court of Exclusive Excise Judge-1, Begusarai, subject to the following conditions:

“(i) Accused/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.

(ii) That one of the bailors shall be Anil Thathera, who is the cousin brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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