

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10858 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BUXAR INDUSTRIAL District- Buxar

Lalbabu Yadav @ Lallu Yadav Son of Harakh Yadav Resident of village-
Ahirauli, P.S.- Buxar Industrial, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-06-2022 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 Buxar
Industrial P.S. Case No. 11 of 2022 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.01.2022.

The allegation against the petitioner is to run away
from the place where recovery of illicit country made and
foreign liquor, total of 103.680 liters, has been made.

Learned counsel appearing on behalf of the petitioner



submitted that recovery has not been made from the conscious physical possession of the petitioner, as from bare perusal of the F.I.R., it appears that the same has been recovered from a boat. It has further been submitted that the petitioner is a man of clean antecedent and also chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as the recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Buxar Industrial P.S. Case No. 11 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise 1st, Buxar, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be properly



represented 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 duly supported by the documents.

(ii) That one of the bailors shall be Harakh Yadav (Deponent), who is the father of the petitioner.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

