

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12041 of 2022**

Arising Out of PS. Case No.-233 Year-2019 Thana- BALIYA District- Begusarai

HARI KISHORE YADAV @ JAI KISHORE YADAV SON OF
YADUNANDAN YADAV R/O VILLAGE-TULSI TOLA, P.S.- BALLIA,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

**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 Ballia
P.S. Case No. 233 of 2019 registered for the offence under
Sections 120(B) and 34 of the IPC 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 12.01.2022.

The allegation against the petitioner is to involved in
illegal business of illicit Indian made liquor and a recovery of
174 litres of illicit Indian made liquor was made from the house



of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from the house of the petitioner, which is jointly occupied by the other family members of the petitioner, who is man of clean antecedent. It has further been submitted that the seizure list is not in terms of Section 100 of the Cr.P.C. While concluding the argument, it has been submitted that 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 recovery has been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner, as the same has been recovered from the house of the petitioner, which occupied by the other family members 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 Ballia P.S. Case No. 233 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 Special Judge Excise
Court No.2, Begusarai, 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) 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.

(iii) That one of the bailors shall be Soni Devi @ Soni Kumari, who is the sister-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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