

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12806 of 2022

Arising Out of PS. Case No.-533 Year-2018 Thana- MASAUDHI District- Patna

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DASI YADAV @ DASAI YADAV Son of Late Bhagwan Yadav @ Bhagwan
Singh Resident of Village- Islampur, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lallu Prasad

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Masaurhi P.S. Case No. 533 of 2018 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, on getting information about manufacturing of illicit country made liquor, a raid was conducted at the identified place and about 120 liters of country made *mahua* liquor was recovered. Apart from that 20 liters of raw material and some manufacturing implements were also recovered. The

petitioner and other co-accused persons are stated to have escaped from the spot.

Learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from the person or possession. The petitioner has been falsely implicated in this case at the instigation of his enemies. Similarly placed co-accused persons have been granted bail vide order dated 26.11.2021 passed in Cr. Misc. No. 26553 of 2021 and another co-accused person has been granted anticipatory bail in Cr. Misc. No. 7668 of 2019. Charge sheet has been submitted in this case and the petitioner is in custody since 10.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was involved in manufacturing of illicit liquor.

Having regard to the submissions made on behalf of the parties and further considering the fact that petitioner was not apprehended from the spot and nothing has been recovered from his conscious possession and taking into account submission of charge sheet and the period of custody of the petitioner, 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

Special Judge, Excise, Patna in connection with Masaurhi P.S.
Case No. 533 of 2018, subject to the conditions mentioned in
Section 437(3) of the Code of Criminal Procedure and also the
following conditions:

- (i) The bail bond of the petitioner will be
accepted only after framing of charge, if
not already framed.
- (ii) One of the bailors will be the person,
who has sworn the affidavit.
- (iii) The petitioner will remain present on
each and every date fixed by the court
below.
- (iv) In case of absence on 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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