

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13301 of 2022

Arising Out of PS. Case No.-52 Year-2022 Thana- GARDANIBAG District- Patna

SHARVAN KUMAR @ SAURAV KUMAR YADAV Son of Dev Kumar Rai
Resident of Village - West Saristabad, P.s.- Gardanibagh, At present Address-
West Saristabad Near mantu Kumar (Ward Conselor House), P.s.-
Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, 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
Gardanibagh P.S. Case No. 52 of 2022 registered for the offence
under Sections 30(a), 34 and 36 of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.02.2022.

The allegation against the petitioner is to be engaged
in illegal business of illicit liquor, where, there is recovery of
36.4 litres of illicit foreign made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has not been from the conscious physical possession of the petitioner. It has further been submitted petitioner is involved in 7 other criminal cases as mentioned in paragraph no.3 of the bail petition. While concluding the argument, it has been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with while preparing the seizure list and also 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 alleged recovery has not been made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner 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 Gardanibagh P.S. Case No. 52 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 Special Court, Excise, Patna, 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.

(iii) That one of the bailors shall be Prabha Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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