

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13282 of 2022

Arising Out of PS. Case No.-98 Year-2018 Thana- FULKAHA District- Araria

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SUNIL YADAV S/O LATE MAHABIR YADAV R/o village- Sitapur Ward
No. 01, P.S.- Karjain, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, 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 Fulkaha
P.S. Case No. 98 of 2018 registered for the offence under
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 07.07.2021.

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

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced on the basis of



disclosure of co-accused, who was apprehended with the seized illicit liquor and recovery has not been made from the conscious physical possession of the petitioner. It has further been submitted that the petitioner is involved in two similar nature of case, in which, he is on bail. It has further been submitted that mandatory provision of Section 100 of Cr.P.C. has not been complied, while preparing seizure list and moreover, 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 name of the petitioner surfaced on the basis of disclosure of co-accused.

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 Fulkaha P.S. Case No. 98 of 2018 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-II, Araria, 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 Kavita Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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