

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13893 of 2022**

Arising Out of PS. Case No.-760 Year-2021 Thana- KHAGARIA District- Khagaria

Deepak Yadav Son Of Gaurav Yadav R/O - Kothia, P.S.- Muffasil, District-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 01-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Khagaria
(Muffasil) P.S. Case No. 760 of 2021 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 01.10.2021.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, semi
furnished items for preparing illicit liquor was recovered in 23



boxes along with 500 grams of Instant yeast, 200 grams of Nausadar Tablets, etc. from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from the joint house of the petitioner, as it cannot be said that the same has been recovered from conscious physical possession of the petitioner. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with as the seizure list is not supported by independent witness. While concluding the argument, it has been submitted that investigation of this case has completed, for which, 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 been made from the joint house of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has been made from house of the petitioner, which is jointly occupied with the other family members, as such, it cannot be said that the recovery has been 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 Khagaria (Muffasil) P.S. Case No. 760 of 2021 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 1st, Khagaria, 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 Anila Devi, who is the mother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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

