

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13955 of 2022

Arising Out of PS. Case No.-24 Year-2019 Thana- NAWADA MUFFASIL District- Nawada

BHOLA YADAV S/O RAJO YADAV RESIDENT OF VILLAGE- AKAUNA
DIH, POLICE STATION- MUFASSIL, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two weeks of the complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with Nawada Mufassil P.S. Case No. 24 of 2019 for the offence punishable under Sections 30(a)(d) of the Bihar Prohibition and Excise Act.

Allegation is of recovery of 250 litres of foreign liquor from a box lying beneath the barren land outside the house of the petitioner. Altogether 7 persons have been made accused in the present case.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. The alleged recovery has been made from a box which was found beneath the barren land outside the house of the petitioner. Nothing has been recovered from conscious possession of the petitioner. He has no concern either with the manufacturing of liquor or its trade in any manner. Petitioner is in custody since 23.01.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Considering the fact that alleged recovery of illicit liquor has been made from outside the house of the petitioner, no recovery has been made from the conscious possession or from the house of the petitioner, several other persons have been named in the F.I.R. including the petitioner, specific case of the petitioner is that on mere suspicion he has been made accused in the present case as the recovery has been made from outside the house of the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.200,000/- (Rupees two lacs)** with two sureties of the like amount each to the satisfaction of the learned Additional Special Excise Judge-I, Nawada in connection with Nawada Mufassil P.S. Case No. 24 of 2019, subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

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