

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14293 of 2022**

Arising Out of PS. Case No.-853 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

YASH PASWAN son of Sukul Paswan Resident of Village - Akara (Ekara),
P.S. - Hajipur Sadar, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Syed Ehteshamuddin, 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 Hajipur
Sadar P.S. Case No. 853 of 2021 registered for the offence under
Section 414 of the Indian Penal Code and Sections 30(a) and
37(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.10.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 95 litres of illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that admittedly the recovery of illicit country made liquor was recovered from open place i.e. road in front of hut of the petitioner. It has further been submitted that the petitioner is man of clean antecedent. 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 as per seizure list alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from conscious physical possession of the petitioner, who is man of clean antecedent 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 Hajipur Sadar P.S. Case No. 853 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 Exclusive Special Excise Court No.1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, 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.

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

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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