

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15091 of 2022

Arising Out of PS. Case No.-235 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

Lalji Yadav, Son Of Nageshwar Yadav, Resident Of Village- Masharh Tola,
Police Station- Udwant Nagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Udwant Nagar P.S. Case No. 235 of 2020 registered for the alleged offences under Sections 30(a) and 30(D) of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that a raid was conducted on the bank of Banas River on secret information that illicit country made liquor was being manufactured there and on seeing the police party the petitioner and other co-accused persons escaped from there. From the spot, 7 litres of country made Mahua



liquor was seized and about 500 litres of *jawa mahua* was destroyed.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing has been recovered from his possession. The space where the recovery has been made does not belong to this petitioner and he has got no concern with the allegedly recovered articles. The petitioner has been named in this case due to enmity. The charge-sheet has been submitted in this case and the petitioner is in custody since 01.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is accused in a number of cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has not been arrested from the spot and further considering the submission of charge-sheet and period of custody of this petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI-cum-Exclusive Special Excise Court-II, Bhojpur at Ara, in connection with Udwant Nagar P.S. Case No.



235 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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