

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15249 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- JANDAHA District- Vaishali

1. RAHUL YADAV Son of Kantu Yadav R/o Barauni, P.s.- Teghra, District - Begusarai, Driver of Pick Up No. BR09GB- 3658.
2. Sunil Das Son of Biro Das R/o Village - Keota, P.S. - Dalsingsarai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Jandaha P.S. Case No. 295 of 2021 registered for the offence under Sections 420, 465, 467, 468 and 471 of the Indian Penal Code and Sections 30(a) and 36(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and is in custody since 13.12.2021.



The allegation against the petitioners is to be engaged in illegal trade of illicit liquor, where, there was total recovery of 1857.225 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioners submitted that the petitioners are driver and helper (khalasi) of the alleged vehicle from where illicit liquor was recovered. It has further been submitted that the petitioners are man of clean antecedent. It has further been submitted that nothing surfaced during course of the investigation, which may suggest that petitioners were under knowledge as regard to the consignment of illicit liquor. 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 not been made from the conscious physical possession of the petitioners and petitioner no.1 and petitioner no.2 is driver and helper (khalasi) respectively of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as nothing surfaced during course of the investigation, which may suggest that the petitioners were under knowledge as



regard to the consignment of illicit liquor, who are man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Jandaha P.S. Case No. 295 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I-cum-Additional Sessions Judge, Vaishali at Hajipur subject to the following conditions:

“(i) Accused/Petitioners 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 petitioners duly supported by the documents.

(ii) That one of the bailors shall be Parbati Devi, who is the wife of the petitioners and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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