

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15624 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- OBRA District- Aurangabad

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Basant Yadav, Son of Ramashish Yadav, Resident of Village - Shankarpur,
P.S.- Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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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 Obra P.S. Case No. 35 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that the police received secret information about a tempo carrying illicit liquor. When the police reached there, this petitioner fled away from the spot and 102 litres of country made liquor was recovered from the tempo.

The learned counsel for the petitioner submits that



petitioner is not the owner of the vehicle and the articles recovered from the tempo do not belong to this petitioner. The learned counsel further submits that nothing has been recovered from his possession and all allegations on this account are false and concocted. The petitioner was not apprehended from the spot and nothing has been recovered from his possession and charge sheet has been submitted in this case and the petitioner is in custody since 27.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and further considering the fact of submission of charge-sheet along with the period of his custody, 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 District and Sessions Judge-IX-cum-Special Judge Excise-II, Aurangabad in connection with Obra P.S. Case No. 35 of 2022, 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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