

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15318 of 2022**

Arising Out of PS. Case No.-216 Year-2021 Thana- PURAINI District- Madhepura

SUSHIL YADAV Son of Late Bucho Yadav @ Buchi Yadav Resident of
Village - Durgapur Insan Tola, Ward no.01, P.s.- Puraini, Distt.- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, 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 Puraini
P.S. Case No. 216 of 2021 (Excise Act Case No. 1132 of 2021)
registered for the offence under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.12.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 393.84 litres of illicit Indian made foreign liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor has been made from orchard of the co-accused, namely, Nawal Bhagat and name of the petitioner surfaced on the basis of suspicion as named by local *Chaukidar* for the reason as the petitioner found running away from the place of recovery/seizor. 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 alleged recovery has been made from the orchard of the co-accused.

Considering the facts and circumstances as mentioned above, as recovery is not made from the 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 Puraini P.S. Case No. 216 of 2021 (Excise Case No. 1132 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 Additional Sessions Judge-4th – cum-Special Judge,
Excise Act, 2nd, Madhepura, 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 Lalo Yadav @ Lalo Kumar, who is the full brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

U		T	
---	--	---	--

