

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15324 of 2022

Arising Out of PS. Case No.-413 Year-2019 Thana- UDWANTNAGAR District- Bhojpur

LALJEE YADAV S/O LATE NAGESHWAR YADAV R/o village- Masarh
Ke Tola, P.S.- Udwant Nagar, District- Bhojpur (Ara)

... .. 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. 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 Udwant
Nagar P.S. Case No. 413 of 2019 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 01.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 110 litres of illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor has been made from bank of river located at the west of village Masadh. It has further been submitted that mandatory provision under Section 100 of Cr.P.C. has not been complied with. While concluding the argument, it has been submitted that investigation of this case has been 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 open place.

Considering the facts and circumstances as mentioned above, as recovery is not made from the conscious physical possession of the petitioner as same is recovered from the open place coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Udwant Nagar P.S. Case No.413 of 2019 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 XI-cum-Exclusive Special Excise Court II, Bhojpur, Ara, subject to the



following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be Munna Kumar, who is the own brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen-

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