

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15858 of 2022

Arising Out of PS. Case No.-240 Year-2019 Thana- KONCH District- Gaya

Phundi Yadav @ Phandiya @ Phundi @ Rajesh Yadav @ Rajesh Kumar Son
of Jataha Yadav @ Vindeshwar Yadav Resident of Village - Garari Mathiya,
P.s.- Konch, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, APP
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2022 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 Konch
P.S. Case No. 240 of 2019 registered for the offence under
Section 30(a)(b) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.03.2021.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, there is
recovery of wine utensils to prepare illicit liquor like chimney,
plastic drum, raw material etc.



Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner has been surfaced on the basis of disclosure made by local chaukidar/police spy. It has been submitted that no illicit liquor or relevant any manufacturing utensils has been recovered from the conscious physical possession of the petitioner. It has further been submitted that nothing incriminating material has been recovered which may connect the petitioner with present set of occurrence. It has further been submitted that petitioner is involved in one case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is not a case of recovery of illicit liquor.

Considering the facts and circumstances as mentioned above, as nothing incriminating recovered from the possession of the petitioner, which may connect the present set of occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Konch P.S. Case No. 240 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 Court of Exclusive Special Excise Court No. 1, Gaya, 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 Jataha Yadav @ Vindeshwar Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen./-

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