

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15259 of 2022**

Arising Out of PS. Case No.-27 Year-2021 Thana- SALAIYA District- Aurangabad

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JAGDISH YADAV SON OF SAHDEV YADAV RESIDENT OF VILL-
GAJRAJ BIGHA, P.S- SALAIYA, DIST.- AURANGABAD, BIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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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 Salaiya
P.S. Case No. 27 of 2021 registered for the offence under
Section 30(a)(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.12.2021.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 15 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor along with materials uses for manufacturing process were recovered from open place having no concern with the petitioner. It has further been submitted that name of the petitioner has surfaced on the basis of confessional statement of police spy mere on the basis of suspicion. It has further been submitted that the petitioner is involved in 04 cases of similar nature and in all these cases, he is on bail. 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 open place.

Considering the facts and circumstances as mentioned above, as nothing incriminating has been recovered from the conscious physical possession of the petitioner 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 Salaiya P.S. Case No. 27 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 II -cum-Special Judge Excise, 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 Ramod Yadav, who is the son of the petitioner and deponent of the present bail petition.

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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