

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16305 of 2022**

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

Arjun Yadav Son of Somar Yadav Resident of Vill- Sonarchak(Sonari Bihgha), P.S- Salaiya, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 08-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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) of Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 13.12.2021.

The allegation against the petitioner is to involve in manufacturing and trading of illicit country made liquor, where 15 liters of Mahua liquor alongwith other utensils, which are alleged to be used in the manufacturing of liquor, were recovered.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of secret information and nothing recovered from the conscious physical possession of the petitioner, as alleged country made liquor alongwith other utensils were recovered from Chalho hills. It is pointed out that petitioner is involved in three other criminal cases of similar nature, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the recovery is from open place.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner coupled with the fact that chargesheet 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 Special Judge Excise- 1st, Aurangabad (Bihar), subject to the following conditions:



“(i) That accused/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 Kalavati Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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