

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16844 of 2022**

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

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Upendra Yadav @ Prithwi Yadav Son of Late Sipahi Yadav Resident of
Village - Masarh Ke Tola, P.s.- Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 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 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 manufacturing of illicit liquor, where 110 liters of Mahua wine was recovered.

Learned counsel appearing on behalf of the petitioner submitted that recovery is from open area (bank of river). It is submitted that nothing incriminating recovered from the conscious physical possession of the petitioner. It is further submitted that similarly situated co-accused has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 5765 of 2020 dated 11.06.2020. 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, while opposing the prayer of bail, fairly conceded that recovery is from open area (bank of river).

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 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/concerned Court, 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



Monako Devi, who is the wife of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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