

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16540 of 2022

Arising Out of PS. Case No.-391 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. Sheojee Yadav son of Laqte Ram Chandra Yadav Resident of Village - Masharh Ke Tola, P.S.- Udwant Nagar, Distt.- Bhojpur.
2. Upendra Yadav @ Prithwi Yadav son of Late Sipahi Yadav Resident of Village - Masharh Ke Tola, P.S.- Udwant Nagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the parties thorough
virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Udwant
Nagar P.S. Case No. 391 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

The accused/petitioners are named in the F.I.R. and
are in custody since 01.02.2022.

The allegation against the petitioners is to have
involved in illegal business of illicit liquor, where 40 liters of
country made Mahua wine and other articles were recovered.



Learned counsel appearing on behalf of the petitioners submitted that recovery is from an open place near the bank of river “Banas” and it cannot be said from the conscious physical possession of the petitioners. It has been submitted that the name of the petitioners surfaced on the basis of disclosure made by local chawkidar. While concluding the argument, it has been submitted that chargesheet in this case has already been submitted in this case, as such, there is no chance of tampering of evidence.

Learned APP appearing on behalf of the State, vehemently, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the recovery is from an open place and nothing recovered from the conscious physical possession of the petitioners coupled with the fact that chargesheet has already been submitted in this case, let the petitioners, above named, are directed to be released on bail in connection with Udwant Nagar P.S. Case No. 391 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-XI-cum-Exclusive Special Excise Court-II, Bhojpur, Ara, subject to the following conditions:



“(i) That accused/petitioners 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 petitioners.

(ii) Accused/Petitioners 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 petitioners, duly supported by the documents.

(iii) That one of the bailors shall be Ramesh Kumar, who is the nephew of the petitioner no. 2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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