

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18510 of 2022**

Arising Out of PS. Case No.-868 Year-2021 Thana- KHAGARIA District- Khagaria

=====

PRADEEP YADAV @ GONGA YADAV S/o Devan Yadav R/o village-
Manbodh Tola, P.S.- Gangor, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Khagaria (Gangor) P.S. Case No. 868 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Allegedly from the house of the petitioner about 15 liters of country made *chulai* liquor and some implements for manufacturing liquor were seized. About 250 liters raw material for making liquor were destroyed. The petitioner fled away from the spot.



Learned counsel for the petitioner submits that the petitioner is innocent and nothing has been recovered from his conscious possession. The house from where the alleged recovery is stated to be made is a joint house and the grand-father and uncles of the petitioner also stay there. There is violation of provisions of Section 100 Cr.P.C. at the time search and seizure. Charge sheet has been submitted in this case and petitioner is in custody since 06.12.2021.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the nature of allegation and the fact that charge sheet has been submitted and the petitioner is in custody for more than seven months, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge 1st Khagaria in connection with Khagaria (Gangor) P.S. Case No. 868 of 2021, subject to the other conditions as laid down under Section 437(3) of the Cr.P.C.

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on



each and every date fixed by the court below.

(iii) The petitioner will not commit similar type of offences in future.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

U		T	
---	--	---	--

