

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18086 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- GARDANIBAG District- Patna

Sarvan Kumar @ Shaurav Kumar Yadav, S/o Dev Kumar Rai, Resident of West Saristabad, P.S.- Gardanibagh, At Present Address- West Saristabad Near Mantu Kumar (Ward Counselor House), P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Bihari Singh, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

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 video conferencing.

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 Gardanibagh P.S. Case No. 520 of 2021 registered for the alleged offences under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2018.

The prosecution case is that police received information about storage of illicit liquor on a vacant plot for sale, a raid was conducted on that plot and about 5.400 litres of country made chulai liquor and 100gm of white crystalline



substance were recovered. This was kept concealed in a sack beneath of hyacinth.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has not been arrested from the spot and nothing incriminating has been recovered from his possession. It is clear from the FIR that the recovery has been made from a vacant plot and the petitioner has nothing to do with the same. The learned counsel further submits that the petitioner has been made accused in number of cases and he is on bail in all these cases. The charge-sheet has been submitted in this case and the petitioner is in custody since 11.02.2022.

Learned APP opposes the prayer for bail.

Having regard to the allegation against the petitioner and recovery from an open place and further considering the submission of charge-sheet as well as the period of his custody, 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 Court Excise, Patna, in connection with Gardanibagh P.S. Case No. 520 of 2021, Special Case No. 8470 of 2021, subject to the following conditions :



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) Petitioner will not commit similar type of offences in future.

(v) 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)

balmukund/-

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

