

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18805 of 2022**

Arising Out of PS. Case No.-592 Year-2021 Thana- JAHANABAD District- Jehanabad

Munna Yadav @ Munna Kumar S/o Not Known R/o village- Devariya, P.S.
and District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

3 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
Jehanabad P.S. Case No. 592 of 2021 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 25.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where a total of 70 liters of
country made liquor was recovered from two motorcycles.

Learned counsel appearing on behalf of the petitioner



submitted that, admittedly, petitioner surrendered in this case and not apprehended, as such, it cannot be safely gathered that illicit liquor was recovered from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced in this case, only being the owner of the motorcycle. It is pointed out that petitioner is involved in two other criminal cases, 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, while opposing the prayer of bail, fairly conceded that petitioner is not apprehended at the spot.

Considering the facts and circumstances as mentioned above, as there is no recovery of illicit liquor from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jehanabad P.S. Case No. 592 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, Court No.2, Jehanabad, 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 Shobha Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
R.S. Sen-

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