

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18739 of 2022

Arising Out of PS. Case No.-316 Year-2019 Thana- BHORE District- Gopalganj

Nagendra Yadav Son of Bayristaor Yadav Resident of Village - Majirawa
Kala, Tola- Ghuthnaha, P.S.- Fulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-07-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

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

The petitioner seeks bail in connection with Bhorey
P.S. Case No. 316 of 2019 registered for the offence under
Section 30 (a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.12.2021.

The allegation against the petitioner is to involve in
the illegal trading of illicit liquor, where 244 of liters of illicit
liquor was recovered.



Learned senior counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by co-accused, namely, Balender Yadav and Sujeet Ram, who have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 83699 of 2019 dated 11.12.2019 and Cr. Misc. No. 69689 of 2019 dated 23.10.2019. It is submitted that nothing incriminating surfaced in furtherance of the confessional statement of co-accused, which may connect the petitioner with the alleged set of occurrence. It is further submitted that the alleged motorcycle, from where the alleged recovery has been made, does not belongs to the petitioner. It is pointed out that petitioner is involved in thirteen other similar nature of cases and in maximum of these cases, the name of the petitioner surfaced on the basis of confessional statement, as of present case. 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 appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not the case of recovery of illicit liquor from the physical possession of



the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is not from the conscious physical possession of the petitioner in furtherance of the confessional statement of co-accused 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 Bhorey P.S. Case No. 316 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 District and Sessions Judge-II-cum-Special Judge, Excise Court No.-1, Gopalganj/concerned Court, subject to the following conditions:

“(i) That accused/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 Bayristaor Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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