

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19359 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Rajeshwar Yadav @ Guddu Yadav Son of Ajay Singh Resident of Village-
Kishunpura, P.S.- Natwar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned 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 Mohania
P.S. Case No. 76 of 2022 registered for the offence under
Sections 30(a), 36 and 41(i) of Bihar Prohibition and Excise
Act, 2016 (as amended).

The accused/petitioner is named in the F.I.R. and is in
custody since 22.02.2022.

The allegation against the petitioner is to have in
possession of 128.16 liters of illicit liquor, which was recovered
from a car bearing Registration no. WB 02W 8450.

Learned counsel appearing on behalf of the petitioner



submitted that petitioner is the driver of the vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner was aware of the illegal consignment of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 petitioner is the driver of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as the recovery is not from the conscious physical possession of the petitioner, who is man of clean antecedent 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 Mohania P.S. Case No. 76 of 2022 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-II-cum-Special Judge, Excise, Kaimur at Bhabhua/concerned Court, subject to the following conditions:



“(i) 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.

(ii) That one of the bailors shall be Amit Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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