

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19142 of 2022

Arising Out of PS. Case No.-64 Year-2022 Thana- KATEYA District- Gopalganj

Sanjay Yadav, Son Of Sudarshan Yadav @ Sudarshan Chaudhary, Resident Of
Village- Khushiya Chhapar (Dubwaliya), P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 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 Kateya P.S. Case No. 64 of 2022 registered for the alleged offences under Section 30(a) of Bihar Prohibition and Amendment Excise Act, 2018.

The prosecution case is that during checking, the vehicle, in which the petitioner along with co-accused persons were sitting, was intercepted and from this vehicle, 396.800 liters of country made liquor was recovered. From another vehicle, 33 liters of India made foreign liquor was recovered.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was apprehended in this case merely on suspicion as the driver of the vehicle ran away and this petitioner, who was passing from there, was apprehended. Nothing has been recovered from the possession of the petitioner, who is neither the owner nor the driver of the seized vehicle in which it has been alleged that the petitioner was sitting. Moreover, the petitioner has nothing to do with the seized liquor and it does not belong to him. Even otherwise no incriminating article has been recovered from the possession of the petitioner. Charge-sheet has been submitted in this case and the petitioner is in custody since 14.02.2022.

Learned APP opposes the prayer for bail submitting that large quantity of illicit liquor has been recovered from the vehicle from which the petitioner was apprehended. He is also having criminal antecedents of similar nature.

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted in this case and the petitioner is in custody since 14.02.2022, 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 Additional District and Sessions Judge-II-cum-Special Judge Excise, Gopalganj in connection with Kateya P.S. Case No.64 of 2022, 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) In case of absence for 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)

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