

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19319 of 2022**

Arising Out of PS. Case No.-598 Year-2021 Thana- RAJAOLI District- Nawada

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Gumani Yadav @ Alkahdeo Yadav Son Of Govind Prasad @ Govind Yadav
Resident Of Village- Bhandra, Police Station- Rajouli, District- Nawada
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

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

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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 Rajouli
P.S. Case No. 598 of 2021 registered for the offence under
Section 30(a)(c) of the Bihar Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 24.01.2022.

The allegation against the petitioner is to involve in
the illegal business of illicit liquor, where a total of 18 liters of
Mahua liquor was recovered from two different places.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery is from open place, as such,
it cannot be said from the conscious physical possession of the



petitioner. It is submitted that after implication in the present case, petitioner has been named in three more criminal cases on the basis of suspicion, as of present case. It is submitted that the name of the petitioner surfaced on the basis of secret information/police spy, without having any connecting evidence. 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 recovery is from open place.

Considering the facts and circumstances as mentioned above, as recovery is from open place, as such, it cannot be said from the conscious physical possession of the petitioner 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 Rajouli P.S. Case No. 598 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 Excise Court No.2 Nawada/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 Sadhu Sharan Prasad Yadav, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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