

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19740 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- GOGRI District- Khagaria

Amit Yadav, Son of Ajay Yadav, Resident of Village - Usri , P.S.- Gogri,
Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Yogendra 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 Gogri P.S. Case No. 481 of 2021, G.R. No. 3431 of 2021 registered for the alleged offences under Sections 30 (a)(b)(c) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case is that police received the secret information about the petitioner and other co-accused persons manufacturing and doing business of illicit liquor from the *Basa* of co-accused Vijay Yadav, a raid was conducted and co-accused



Vijay Yadav was apprehended and petitioner and other co-accused persons fled away from there. Total 500 litres of semi prepared country made liquor was destroyed which was kept under the ground and 12 litres of country made liquor along with two Gas Cylinders and one Burner were seized.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his possession. Whatever recovery has been made, it has been made from the *Basa* of co-accused Vijay Yadav, who has been granted bail in Cr. Misc. No. 11447 of 2022 by this Court. Charge-sheet has been submitted and the petitioner is in custody since 11.12.2021 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from this petitioner and also the fact that the charge-sheet has been submitted and further considering the period of his custody, 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 Sessions Judge-II-cum-Special Judge, Excise, Khagaria in connection with Gogari P.S. Case No. 481 of 2021, G.R. No. 3431 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) 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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