

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19623 of 2022

Arising Out of PS. Case No.-60 Year-2021 Thana- ROSERA District- Samastipur

Murari Yadav, S/O Wakil Yadav @ Askhileshwar Yadav, R/O Village-
Paroriya, P.S.- Hasanpur, District- Samastipur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Choudhary, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, 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 Rosera P.S. Case No. 60 of 2021 registered for the alleged offences under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the police received secret information that the petitioner and other two co-accused persons have been storing illicit foreign liquor for the upcoming Holi festival and a raid was conducted at the identified place.



The petitioner and co-accused namely Mangal Yadav fled away from the spot and the co-accused Bablu Paswan was apprehended with his motorcycle and at his instance, from the sugarcane field, 586 liters of illicit liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and was named in this case in the confessional statement of co-accused Bablu Paswan. The illicit liquor was not recovered from conscious possession of the petitioner and the same was recovered from an open field, which does not belong to this petitioner. Charge-sheet has been submitted in this case and the petitioner is in custody since 27.01.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submission made hereinabove and considering the fact that the petitioner has not been arrested from the spot and the alleged recovery has been made from the agriculture field and further considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 27.01.2022, 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 Court of Special Excise Court-I, Samastipur in connection with Rosera P.S. Case No. 60 of 2021 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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