

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20016 of 2022

Arising Out of PS. Case No.-131 Year-2020 Thana- BHAGWANGANJ District- Patna

Yogendra Yadav @ Yogendra Pd.@ Yogendra Prasad Son of Jagdish Yadav
R/O - Rauniyachak, P.S.- Bhagwanganj, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Kanhaiya kishore (APP. 100)

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

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Bhagwanganj P.S. Case No. 131 of 2020 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018 and Sections 2, 3 and 4 of the Mahua Flower Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 484
kg. mahua jawa flower, 15 litres of country made mahula liquor



and 112 kg. Gur.

Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from the house of the petitioner, which was jointly occupied by the other family members of the petitioner, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that there is no compliance of mandatory provision of Section 100 of Cr.P.C., while preparing seizure list. It has further been submitted that petitioner is involved in one criminal case of similar nature, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the joint house of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Bhagwanganj P.S. Case No. 131 of 2020 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 Judge, Excise, Patna, subject to the following conditions:

“(i) That 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 Sanjeev Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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