

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20883 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- CHANDAN District- Banka

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1. Shivnandan Yadav Son of Gopal Yadav Resident of Village - Patehpur, P.S.- Chandan, Distt.- Banka.
 2. Karu Yadav Son of Ketku Yadav Resident of Village - Babudih, P.S.- Simurtala, Distt.- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Chandan P.S. Case No. 34 of 2022 registered for the offence under Section 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018 and $\frac{3}{4}$ of Mahua Flower Act.

The accused/petitioner is named in the F.I.R. and is in custody since 27.02.2022.

The allegation against the petitioners is to be engaged



in illegal trade of illicit liquor, where 750 kg of Mahua flower and 10 liters of chulai liquor were recovered.

Learned counsel appearing on behalf of the petitioner submitted that the auto, from where the alleged recovery is made, was jointly occupied by other co-accused person, as such, it cannot be said that recovery is from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. 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, while opposing the prayer of bail, fairly conceded that the alleged auto was occupied by other co-accused persons also.

Considering the facts and circumstances as mentioned above, as recovery is not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioners, above named, is directed to be released on bail in connection with Chandan P.S. Case No. 34 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Additional District & Sessions Judge-II,
Banka/concerned court, subject to the following conditions:

“(i) Accused/Petitioners 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.

(ii) That one of the bailors shall be Basant Yadav, who is the brother of the petitioner no.1 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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