

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20491 of 2022

Arising Out of PS. Case No.-47 Year-2022 Thana- SIWAN CITY District- Siwan

Jai Prakash Kumar Yadav, Son of Lalan Yadav, Resident of Village - Aandar
Dhala Lakshmipur, P.S. - siwan Town, Dist. - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kumari Anupam, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 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 Siwan Town P.S. Case No. 47 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on receiving information, the police conducted a raid at an identified place and towed two persons carrying a sack containing illicit liquor on a motorcycle. Both of them were apprehended and 228 litres of country made liquor was seized. The petitioner is one of the apprehended



persons.

The learned counsel for the petitioner submits that the petitioner is innocent and has got no concern with the allegedly seized liquor and co-accused Arvind Kumar Yadav. The petitioner is the neighbor of Arvind Kumar Yadav and when he refused to put his signature on the seizure list, he was dragged in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 23.01.2022 and the charge-sheet has been submitted in this case. Learned counsel further submits that another co-accused, namely, Arvind Kumar Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 02.06.2022 passed in Cr. Misc. No. 17010 of 2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 23.01.2022, 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 Additional District Judge Special Excise Court No.2, Siwan, in connection with Siwan Town P.S. Case



No. 47 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on 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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