

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20942 of 2022**

Arising Out of PS. Case No.-469 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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Basant Yadav Son of Ramashish Yadav Resident of Village - Shankarpur,
Police Station - Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection Excise Case
No. 469 of 2019 with registered for the offence under Sections
30(a), 30(c) and 30(d) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the prosecution



report and is in custody since 22.03.2022.

The allegation against the petitioner is to run away from the place place of recovery, where 240 liters of illicit liquor, 10 Kg of plastic wrapper with packing machine, were recovered from the straw house of the co-accused, namely, Prince Kumar.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from straw house of the co-accused, namely, Prince Kumar, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner and further nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. It is pointed out that petitioner is involved in four other criminal cases, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is completed.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from straw house of the co-accused, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery is made from the underground of straw house of the co-accused, as such, it cannot be said to be recovered



from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Excise Case No. 469 of 2019 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 and Sessions Judge-IX-cum-Special Judge, Excise-2, Aurangabad/concerned Court, subject to the following conditions:

“(i) That accused/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) That 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 Pawan Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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