

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21211 of 2022

Arising Out of PS. Case No.-275 Year-2021 Thana- NADI P.S. District- Patna

UDAY YADAV Son of Late Asharfi Yadav Resident of Village -
Fatehjangpur, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Jai Ram Prasad, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State.

Petitioner seeks bail in a case registered in
connection with Nadi P.S.Case No. 275 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that the
police on a secret information raided the orchard of the
petitioner and on search being made altogether 400 liters
country made liquor has been recovered.



It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from conscious and constructive possession of the petitioner. It is next submitted that the alleged recovery has been made from orchard, which is accessible to anyone. It is next submitted that save and except, suspicion there is no cogent material against the petitioner and he is in custody since 16.11.2022, having fair antecedent.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that huge recovery of country made liquor was made from the orchard of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered from conscious and constructive possession of the petitioner. Moreover, the investigation of the crime is already completed and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Nadi P.S.Case No. 275 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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