

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24077 of 2022

Arising Out of PS. Case No.-63 Year-2021 Thana- KAUWAKOL District- Nawada

LALU YADAV @ LALLU YADAV @ LAL MANI KUMAR S/o Laxmi
Yadav R/o village- Guagoghara, P.S.- Kauwakol, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Kauwakol P.S. Case No. 63 of 2021 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, police receipt secret information that the petitioner and other co-accused had concealed illicit liquor behind the community hall in a paddy mound. A raid was conducted and from the paddy mound, 3 jerry cans containing 150 liters of country made mahua liquor



and one motorcycle were recovered and seized.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He has nothing to do with the alleged by recovered articles. It is obvious that the recovery was made from an open space and the said place does not belong to this petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. He has not been arrested from the spot. Furthermore, the petitioner has nothing to do with the seized motorcycle. The petitioner has been named merely on the basis of secret information and there is nothing of substance to connect the petitioner with the seized liquor. Charge sheet has been submitted in this case and the petitioner is in custody since 28.02.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and recovery has been made from an open space and further considering the submission of charge sheet as well as period of custody of the petitioner, 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 Exclusive Special Excise Court-2, Nawada in connection with Kauwakol P.S. Case No. 63 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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