

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24100 of 2022

Arising Out of PS. Case No.-292 Year-2021 Thana- PHULWARIYA District- Gopalganj

Nagendra Yadav, Son of Bairister Yadav @ Bayristaor Yadav Resident of
Village - Majirawa kala, Tola, Ghuthnaha, P.S.- Fulwariya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anirudh Kumar Verma, Advocate
		Mr. Vyas Kumar Mishra, Advocate
For the Opposite Party/s	:	Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 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 Phulwariya P.S. Case No. 292 of 2021 registered for the alleged offences under Sections 30(a) and 30 (b) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the petitioner and other co-accused persons fled away from their car when they were asked to stop their car and they were identified in the light of torch by the police personnel. The car, left behind by the petitioner and



other co-accused, has been seized and from this car, total 432 litres of illicit country made liquor was recovered.

The learned counsel for the petitioner submits that the whole prosecution story is concocted and the story of identifying the petitioner in torch light is completely bogus. The petitioner has nothing to do with the car seized by the police or the liquor recovered from the said car. In the same manner, the petitioner has been made accused in a number of cases of same Phulwariya police station. Except for suspicion, there is nothing against this petitioner, who is in custody since 01.12.2021. Charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and has been named as accused in altogether 13 cases mostly for offences in the Excise Act.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the period of his custody and submission of charge-sheet in the case, 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 District and Sessions Judge-II-cum-Special Judge, Excise Court No.1, Gopalganj in connection with Phulwariya P.S. Case No. 292 of 2021, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 Bairister Yadav, father of the petitioner, who has sworn the affidavit.

(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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