

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24434 of 2022

Arising Out of PS. Case No.-215 Year-2020 Thana- BIHPUR District- Bhagalpur

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Bashisht Prasad Yadav @ Bashist Pd. Singh Son of Wakil Prasad Yadav
Resident of Village - Lgav, P.S.- Parbatta, District - Khagariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Patil, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

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

The petitioner seeks bail in connection with Bihpur
(Bhawanipur) P.S. Case No. 215 of 2020 registered for the
offence under Section 30(d)(e) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of rapper
and bottle cap.



Learned counsel appearing on behalf of the petitioner submitted that recovery of only rapper and bottle cap, which is alleged to be sealed the liquor bottle. It has been submitted that petitioner is owner of the alleged vehicle, from where, alleged to be recovered the rapper and cap of the liquor bottle. It has further been submitted that name of the petitioner surfaced on the basis of disclosure of co-accused. It has also been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that this is not a case of recovery of illicit liquor.

Considering the facts and circumstances as mentioned above, as admittedly, this is not a case of recovery of illicit liquor, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bihpur (Bhawanipur) P.S. Case No. 215 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-1st, Bhagalpur, subject to the following conditions:

“(i) 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.

(ii) That one of the bailors shall be Satyam Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen-

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