

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24325 of 2022**

Arising Out of PS. Case No.-246 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

=====

Nitish Yadav Son of Ram Pravesh Yadav @ Rampravesh Chaudhary Resident
of Village - Vishunpurva, Po - Sarsar, Ps- Siwan Muffasil, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

=====

**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 Siwan
Excise Case No. CIII-246 of 2020 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 287



litres of country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the recovery has been made from open place i.e. orchard and that too, 7 KM away from the house of petitioner. It has further been submitted that recovery of illicit liquor is no way connected with the petitioner and also nothing surfaced during course of investigation, which may connect the petitioner with the alleged recovery. It has further been submitted that petitioner is involved in two more criminal cases of similar nature, in which, he is on bail. 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 alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner 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 Siwan Excise Case No. CIII-246 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 Additional District and Sessions Judge-cum-Special Judge Excise-2, Siwan, subject to the following conditions:

“(i) That 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) 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 Viddhanti Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

U		T	
---	--	---	--

