

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25807 of 2022

Arising Out of PS. Case No.-83 Year-2022 Thana- KATEYA District- Gopalganj

Laxman Yadav Son of Pahwari Yadav Resident of Village - Bhagipatti
Khurd , P.s.- Kateya, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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 Kateya
P.S. Case No. 83 of 2022 registered for the offence under
Sections 414 and 34 of the Indian Penal Code and Section 30(a)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.02.2022.

The allegation against the petitioner is to have in
possession of 89 liters of country made liquor, which was
recovered from the dickey of the car.



Learned counsel appearing on behalf of the petitioner submitted that petitioner is the passenger of the alleged vehicle and nothing surfaced during the course of investigation, which may suggest that petitioner is aware about the illegal consignment of illicit liquor loaded in the vehicle. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that petitioner is the passenger of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No. 83 of 2022 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-II-
cum-Special Judge, Excise Court No.1, Gopalganj/concerned
Court, subject to the following conditions:

“(i) That 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
Pahwari Yadav, who is the father of the
petitioner and deponent of the present bail
petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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

