

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25638 of 2022**

Arising Out of PS. Case No.-4 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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GUDDU YADAV @ GUDDU KUMAR S/o Deenanath Yadav Resident of
Village- Dahawari, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-08-2022 No one appears for the petitioner.

Heard learned APP for the State through video
conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is an accused in connection with
Excise P.S. Case No. 04 of 2022 registered under Sections 30 (a)
of the Bihar Prohibition and Excise Act.

The prosecution case in short is that 895.5 liters of
illicit liquor was recovered/seized from southern direction of
petitioner's house which is in his possession.

As per the averment made in the bail application, the
recovery/seizure of 859.500 liters illicit liquor has been



attributed to the common house. The petitioner was not arrested from the spot and as per the further averment made in the bail application, there is no recovery from his conscious possession and any recovery from the common house cannot be attributed to him in view of the fact that the others also resides there.

Taking into account the fact that the recovery is from the common house and not from his conscious possession as also the fact that he is in custody since 02.02.2022 (as stated in paragraph-13 of the bail application), this court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Special Excise Court NO. 2, Siwan in connection with Excise P.S. Case No. 04/2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;



(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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