

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25901 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

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Santosh Yadav @ Tengra Son of Bhagirathi Prasad Yadav @ Bhagirath Yadav
Resident of Village - Tikulipar, P.S.- Bihar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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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 Sohسرائ

P.S. Case No. 25 of 2022 registered for the offence under

Sections 30(a), 33, 34 and 26 of Bihar Prohibition and Excise

(Amendment) Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 16.02.2022.

The allegation against the petitioner is to involve in the illegal manufacturing and trading of illicit liquor, where 282 liters of country made liquor was recovered, alongwith other articles.

Learned counsel appearing on behalf of the petitioner submitted that recovery is from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the present recovery of illicit liquor. While concluding the argument, it is submitted that 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 recovery is from the open place.

Considering the facts and circumstances as mentioned above, as recovery is from the open place, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner 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 Sohsarai P.S. Case No. 25 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 4th Additional District and Sessions Judge-cum-Special Judge Excise-II, Nalanda at Biharsharif/concerned Court, subject to the following conditions:

“(i) That accused/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) 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.



(iii) That one of the bailors shall be
Bhagirathi Prasad Yadav @ Bhagirath Yadav,
who is the father of the petitioner and
deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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