

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26681 of 2022**

Arising Out of PS. Case No.-37 Year-2022 Thana- PIRI BAZAR District- Lakhisarai

Kapil Yadav S/o Baudhu Yadav R/o village- Lahsorwa, P.S.- Piri Bazar,
District- Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mayank Bilochan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

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

The petitioner is in custody in connection with
Piribazar P.S. Case No. 37 of 2022 under sections 30(a)(b)(c) of
Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the informant
received secret information that one Kapil Yadav, the petitioner
herein is manufacturing and selling illegal liquor at the bank of
Amrasani River. The informant along with police personnel
reached there and on seeing the police party one person fled
away from there. Upon search, 30 liters of mahua liquor, 04
aluminum Dekchi, 06 aluminum pipe (Bhabhka) were



recovered/seized and seizure list was prepared.

Learned counsel for the petitioner submits that the alleged recovery of 30 liters of illicit country made liquor has been made from the Bank Amrasani River and not from the conscious possession of the petitioner. Despite the fact he has been implicated in this case and he is in custody since 4.3.2022 (as stated in para-15 of the bail application) only because he has criminal antecedent.

Considering the aforesaid fact that recovery has been shown to be from near the bank river, he is in custody since 4.3.2022 and charge-sheet stands submitted, 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 learned Additional District and Sessions Judge-IV-cum- Special Court (Excise), Lakhisarai, in connection with Piribazar P.S. Case No. 37 of 2022 subject to the following conditions:

- (i) one of the bailors should be the family members 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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