

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27343 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- BRAHMPUR District- Buxar

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UMESH YADAV Son of Late Janardan Yadav Resident of Village - Badki
Nainijor, P.s.- Brahmpur, (Nainijor), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey

For the Opposite Party/s : Mr.Ram Sumiran Rai

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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 Brahmpur
P.S. Case No. 183 of 2022 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 16.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 161
litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner



submitted that as the petitioner refused to be witness of seizure list, was falsely implicated in the present case, where nothing surfaced during course of investigation, which may suggest or connect the petitioner with alleged cycle and also with the alleged recovery of illicit liquor. It is also submitted that seizure list is also disputed, as the same is not supported by the independent witness, in view of Section 100 (4) of Cr.P.C.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that nothing recovered from physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, where, seizure list is disputed coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Brahmpur P.S. Case No. 183 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 Special Judge Excise Act, Buxar/concerned court, 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 Kamlesh Yadav, who is the uncle of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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