

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27071 of 2022

Arising Out of PS. Case No.-351 Year-2020 Thana- MADHEPURA District- Madhepura

Baichan Yadav @ Bechan Yadav Son Of Balram Yadav R/O Village- Mokna,
Ward No.-11, P.S.- Bihra, District- Saharsa. Petitioner/s

Versus

The State Of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shambhabhi Vats, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with Madhepura (Ghailardh) P.S. Case No.351/2020 instituted under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the FIR, S.I. of Madhepura (Pramanandpur OP) P.S for the offence alleged to have been committed on 13.05.2022 at about 05:00 A.M. He got information from O.P Incharge Ghailardh regarding carrying of illicit liquor. He also informed that there will be joint operation for raid. On the information, he came to Ghailardh O.P at about 5:30 A.M. A raiding team was constituted. The information was that the liquor mafias namely Shankar Sah, Ranveer Sah & Ranjeet Sah



are bringing big stock of country-made liquor from Bechan Yadav by a four wheeler vehicle. The raiding team proceeded there. When they arrived at Trimuhani of Cikanhotwa Chitti road they saw that a four wheeler vehicle they arrived at Trimuhani of Cikanhotwa Chitti road, they saw a four wheeler vehicle was coming, upon locating the police vehicle, they started fleeing away. The vehicle was searched in which 275 liters of country-made liquor was recovered, and accordingly seizure-list was prepared.

Ms. Shambhabhi Vats, learned counsel for the petitioner submits that a bare perusal of the FIR would show that the same is based on surmises and conjectures that Shankar Sah, Ranveer Sah and Ranjeet Sah were bringing liquor from the house of the petitioner herein. Nothing more has been inscribed in the FIR regarding the source of the information. The police on the basis of said surmises and conjectures intercepted a vehicle and recovered/seized 275 liters of country-made liquor. The accused persons in the vehicle managed to flee away and it is further submitted by her that on the basis of said allegation made in the FIR, the petitioner herein is suffering being in jail since 25.03.2022 (as stated in para-14 of the bail application).



Considering the fact that the recovery/seizure of the country-made liquor has been made from a vehicle and it is alleged that the same was loaded from the house of the petitioner without any material evidence, the petitioner is in custody since 25.03.2022 and charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Madhepura (Ghailardh) P.S. Case No.351/2020 to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhepura, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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