

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27788 of 2022**

Arising Out of PS. Case No.-5 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

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Pappu Yadav Son of Jayram Yadav @ Jayram Chaudhary Resident of Village
- Mathiya More (Tilmapur) P.O.- Tilmapur, P.S. - Nautan, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Shahi
For the State	:	Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Siwan
Muffasil (Dhanauti) P.S. Case No. 5 of 2019 registered for the
offence under Sections 272 and 273 of the Indian Penal Code
and Sections 30 (a) and 41 (1) of the Bihar Prohibition and



Excise Act (Amended), 2019.

The accused/petitioner is named in the F.I.R. and is in custody since 21.02.2022.

The allegation against the petitioner is to have in possession of 190.80 liters of country made liquor, which was recovered from a Bolero vehicle bearing Registration no. BR 29 PA 3510.

Learned counsel appearing on behalf of the petitioner submitted that it is apparent from the seizure list that the recovery of alleged illicit liquor is not from the conscious physical possession of the petitioner. It has also been submitted that the petitioner is on bail in all five cases, as mentioned in paragraph no.3 of the bail petition. While concluding the argument, it has further been submitted that the name of the petitioner surfaced on the basis of confessional statement made by chowkidar and moreover, chargesheet has already been submitted in this case, 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 the recovery is not from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned



above, as the recovery of the illicit country made liquor is not from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Siwan Muffasil (Dhanauti) P.S. Case No. 5 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge Excise-2, Siwan, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing 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 JayRam Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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