

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27901 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- SHERGHATI District- Gaya

Yogendra Kumar @ Yogindra Kumar Son Of Sevak Saw R/O Village-
Vakilganj, P.S.- Dobhi, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Sherghati(Dobhi) P.S. Case No. 232of 2022 for the
offences punishable under Sections 30(a) of the Bihar Excise
(Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that in course
of vehicle checking the police intercepted a motorcycle and on
search total 7.875 liters foreign made liquor was recovered. It is
further alleged that on the tips of apprehended person further
checking was made and one another motorcycle was



apprehended which was being driven by the petitioner and on search 135.08 liters country made liquor was recovered.

Learned counsel for the petitioner submits that in fact nothing has been recovered from persons and possession of the petitioner rather recovery was made from other place and his name has been implicated in this case showing the recovery has been made from the petitioner. It is next submitted that motorcycle belongs to the petitioner but the petitioner has no concern with the seized illicit liquor. It is next submitted that there are various infirmities in the preparation of seizure list and apart from that no independent witness has supported the prosecution case. It is next submitted that petitioner is in custody since 16.03.2022, having fair antecedent and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 16.03.2022 and investigation of the crime is concluded and the charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let the petitioner, above



named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Sherghati (Dobhi) P.S.Case No. 232 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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