

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39256 of 2021**

Arising Out of PS. Case No.-111 Year-2020 Thana- SIKRAUL District- Buxar

JITU YADAV @ JITENDRA YADAV S/o Brahmeshwar Yadav @  
Barmeshwar Yadav R/o village- Mahadah, P.S.- Buxar Mufassil, District-  
Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Bishmohan Kumar Sinha, Advocate

Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

3      21-01-2022                      Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the  
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 19.03.2021,  
seeks regular bail in connection with Sikraul P.S. Case No. 111  
of 2020 for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether  
1216.620 litres of illicit Indian Made Foreign Liquor was  
recovered from the Bolero vehicle bearing Registration No. BR-  
24G-1162. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that petitioner is not the owner of the aforesaid vehicle nor he has any concerned with the seized liquor. He further submits that the seizure-list has been prepared in the Police Station.

Learned A.P.P., however, opposes the prayer for bail. He further submits that trade of illicit liquor is rampant in the State of Bihar and the petitioner is member of such organized trade and as such he does not deserve to be released on bail.

Having considered the rival submission of the parties and taking into consideration the antecedent of the petitioner, the Court below is directed to seek report from the concerned Superintendent of police having jurisdiction with respect to the details of cases against the petitioner and if no other criminal case is pending against the petitioner, as stated in paragraph No.3 of the bail application, the petitioner be released on bail subject to the condition that any of his close relative or his responsible person furnishes Bank Draft of Rs. 2,00,000/- (Rs. Two Lakh) in favour of Bihar State Legal Services Authority at Patna in Court below which shall be retained by the Court below to see that the petitioner does not involve in any



other similar case or any case and if the Bank Draft of aforesaid amount is deposited in manner stated above then the petitioner shall be released forthwith upon furnishing bail bond of Rs. 2,00,000/- (Rupees Two Lakh) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II-cum-Special Judge, Excise, Buxar in connection with Sikraul P.S. Case No. 111 of 2020 subject to the following conditions:

(i) That one of the bailors of the petitioner shall be his close relative. Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial. If the petitioner is found involved in similar nature of offences, after their release on bail the trial Court shall take steps to cancel their bail bonds.

(iii) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) If the petitioner tempers with the evidence or the witnesses of the case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



It is made clear that if the petitioner is involved subsequently in another excise matter or in any other case then the amount of bank draft will be deposited in the account of Bihar State Legal Services Authority, Patna. If the Court below finds the conduct of the petitioner is uniformly good, then the said draft be returned back to the petitioner on such appropriate terms and conditions fixed by the Court below.

**(Purnendu Singh, J)**

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