

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30272 of 2022

Arising Out of PS. Case No.-103 Year-2020 Thana- MATIHANI District- Begusarai

Raj Kumar Yadav Son Of Vilayti Yadav R/O- Village- Saidpur, P.S.-
Matihani, Dist.- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Matihani P.S. Case No. 103 of 2020 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police received secret information that the petitioner has concealed illicit foreign liquor in the land of one Chabila Chaudhary. A raid was conducted and recovery of 74.61 liters India made foreign liquor was made.



Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. It is apparent from the FIR that the recovery has been made from an open field. The petitioner has no concern with the same. Merely on suspicion and on so-called secret information, the petitioner has been named in this case otherwise there is no material against this petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 04.03.2022. There is one criminal case against this petitioner in which he is on bail.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner is involved in trade of illicit liquor.

Having regard to the submission made hereinabove and considering the fact that no recovery has been shown from the petitioner and he was not apprehended from the spot and further considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-1, Begusarai in connection with Bakhri Matihani P.S. Case No.



103 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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