

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31076 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- JAGDISHPUR District- Bhojpur

Sanjay Yadav Son Of Late Bhagwan Yadav Resident Of Village - Purvi
Muhalla , Ward No.18, Jagdishpur, P.S.- Jagdishpur, Distt.- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Maya Shankar Mishra

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Jagdishpur P.S. Case No. 89 of 2022 registered for the offences
punishable under Sections 30(a) and 36 of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 8.325 litre foreign liquor from the hut of the petitioner.
Petitioner is not apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.03.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and



there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that alleged hut does not belong to the petitioner and petitioner has not concern with the recovered liquor. It has been further submitted that seizure list has not been made as per law, petitioner was not apprehended on spot and he has been falsely implicated in this case only on suspicion.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1st, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 89 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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