

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32155 of 2022

Arising Out of PS. Case No.-392 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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RAVA YADAV @ RABIN YADAV S/o NokheYadav Resident of Village-
Kharhat, P.S.- S. Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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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 S. Kamal P.S. Case No. 392 of 2020 registered for the alleged offences under Sections 120(B) and 34 of the Indian Penal Code and Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, the police received secret information about the petitioner and other co-accused persons storing illicit foreign liquor in their house and the place adjacent



to it. From behind the house of this petitioner, 1380.240 liters of India made foreign liquor was recovered which was concealed under soil.

Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and he was not even present at the place of occurrence. Nothing incriminating has been recovered from his person or possession. It is obvious that the recovery was made from an open space and it is accessible to all. The petitioner has no concern with the recovered liquor and has no claim over the same. Charge sheet has been submitted in this case and the petitioner is in custody since 10.05.2022. The petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail of the petitioner submitting that huge quantity of liquor has been recovered from behind the house of this petitioner who has been specifically named in the FIR.

Having regard to the submission made hereinabove and considering the clean antecedent of the petitioner and also submission of charge sheet along with 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 Special Judge, Excise Court-02, Begusarai in connection with S. Kamal P.S. Case No. 392 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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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