

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31885 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- RAJAOLI District- Nawada

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SADHU YADAV @ JITENDRA YADAV S/o Ruplal Yadav Resident of
Village- Mohkama, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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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 Rajauli

P.S. Case No. 52 of 2021 registered for the offences punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

As per prosecution case, there is alleged recovery of

total 110 liters Mahua liquor from jungle of Mohkama. It is

further alleged recovery of utensils for preparation of Mahua

liquor. The petitioner was not apprehended on the spot and the

local Chawkidar and villagers disclosed the name of fled away

persons including the petitioner.



Learned counsel for the petitioner submits that petitioner is in custody since 31.03.2022 and bears criminal antecedent of six cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the place of occurrence does not belong to the petitioner and nothing recovered from the conscious possession of the petitioner.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** 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 II, Nawada in connection with Rajauli P.S. Case No. 52 of 2021, 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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