

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31774 of 2022

Arising Out of PS. Case No.-385 Year-2021 Thana- KHIJARSARAI District- Gaya

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BABLU YADAV @ GAUTAM KUMAR SON OF LATE MUNNA YADAV
R/O MOHALLA- SAHI MASJID ROAD, P.S.- CIVIL LINE, DISTRICT-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate
For the Opposite Party/s : Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Khizarsari P.S. Case No. 385 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 02.05.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of



1016.64 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been implicated in the present case only being the owner of the alleged vehicle, which has already been sold to one Nitish Kumar Singh, but Registration Certificate (RC) of the alleged vehicle still stands in his name. It has further been submitted that admittedly, the name of the petitioner surfaced on the basis of disclosure of apprehended persons, nothing incriminating has been recovered from conscious physical possession of the petitioner. It has further been submitted that petitioner is involved in four criminal cases, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the petitioner is owner of the alleged vehicle.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Khizarsarai P.S. Case No. 385 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act, Gaya, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Priyanka Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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