

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34251 of 2022

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

SANJAY YADAV S/o Munshi Yadav Resident of Village- Mohkama, P.S.-
Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Nandan

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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. 52/2021 registered for the offences punishable
under Sections 30(a)/41 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 innocent and has falsely been implicated in this case. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner was no concern with the alleged seized articles. The Chowkidar disclosed the name of the petitioner who was inimical terms with the petitioner. The petitioner is languishing in custody since 15.02.2022 and bears criminal antecedent of six cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 Judge, Excise-2, Nawada in



connection with Rajauli P.S. Case No. 52/2021, 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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