

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37590 of 2022

Arising Out of PS. Case No.-582 Year-2021 Thana- ARA NAWADA District- Bhojpur

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Tuni Yadav Son Of Shama Yasav @ Shyam Babu Singh Resident Of Village-
Bajreya, P.S.- Sahar, District- Bhojpur, At Present Bhelai, P.S.- Udwanthnagar,
District- Bhojpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Navin Kumar Singh, Advocate

For the Opposite Party/s : Mr.Mukeshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Ara Nawada P.S. Case No. 582 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, the recovery of 166.230 liters of India made foreign liquor was made from an Alto vehicle and two co-accused persons were apprehended from the spot. The co-accused persons disclosed that the seized liquor and the car



both belong to this petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He was not apprehended from the spot and no recovery has been made from him. Nothing incriminating has been seized from his conscious possession. Even the seized vehicle does not belong to him. The petitioner has been made accused only on the basis of confessional statement of the co-accused persons. Charge sheet has been submitted in this case and the petitioner is in custody since 20.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is accused in one more case.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the 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 Exclusive Special Excise Court No. 1, Bhojpur, Ara in connection with Ara Nawada P.S. Case No. 582 of 2021, subject to the conditions mentioned in Section 437(3)



of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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