

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39590 of 2022

Arising Out of PS. Case No.-179 Year-2021 Thana- RAJAOLI District- Nawada

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ALKAHDEO YADAV @ GUMANI YADAV S/o Govind Prasad @ Govind
Yadav R/o village- Bhandra, P.S.- Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Indiwari Kumari, A.P.P.

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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 Rajouli P.S. Case No. 179 of 2021 registered for the alleged offences under Sections 30(a) and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police conducted a raid at an identified place for getting information that the petitioner and other co-accused were manufacturing country-made liquor. The petitioner fled away from the spot when the raid was being conducted. From that place, 60 litres of country-made *chulai*



liquor and some articles for manufacturing the same were recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been shown from a deserted place and the petitioner could not be fastened with the liability of the recovery. The place does not belong to this petitioner. Merely by saying that the petitioner fled away from the spot on seeing the police, the petitioner cannot be made accused in this case. After naming the petitioner in this case, police has made him accused in three other cases as well. The petitioner is in custody since 04.04.2022 and charge sheet has been submitted in this case.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and the recovery has been made from an open deserted place and further considering the submission of charge sheet along with his period of custody, 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.2, Nawada in connection with Rajouli P.S. Case No. 179 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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