

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39497 of 2022

Arising Out of PS. Case No.-657 Year-2021 Thana- BRAHMPUR District- Buxar

Vijuli Yadav @ Bijali Yadav S/O Chhotak Yadav Resident Of Village -
Chhatnwar, P.S.- Krishnabrahm, District - Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Brahmpur P.S. Case No. 657 of 2021 for the offences
punishable under Sections 30(a), of the Bihar Excise
(Prohibition) Amendment Act.

The allegation against the petitioner to be engaged in
storage and selling of illicit liquor and on search total 450 liters
country made liquor was recovered from a hut situated in front
of the house of the petitioner.

Learned counsel for the petitioner submits that the



petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner. He further submits that the alleged recovery has been made from the hut which does not belong to the petitioner. Furthermore, the name of the petitioner has been disclosed by village chawkidar and there is no other material which suggest the complicity of the petitioner. Moreover, petitioner is in custody since 11.05.2021.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has named in one another case in which he is on bail.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from persons or possession and the alleged recovery has been made from a hut, which does not belong to the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II Buxar in connection with Brahmpur P.S.Case No. 657 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner



with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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