

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49914 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- RAGHUNATHPUR District- Siwan

Ajeet Yadav, Son of Late Kedar Yadav,R/V- Raghunathpur PS-
Raghunathpur , Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Anupam, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Raghunathpur P.S. Case No. 26 of 2021
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 80 litres of
country made *mahua* liquor was made from two gallons which
were kept concealed in bushes. The petitioner and other co-
accused persons are stated to have fled away from the spot when
the raid was being conducted.

Learned counsel for the petitioner submits that the



petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and he was named by the persons who are on inimical terms with him. The petitioner is in custody since 16.12.2021 and the charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner who was not apprehended from the spot and further considering the period of custody of the petitioner and submission of charge-sheet against him, 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 Court of Additional District Judge Special Excise Court No.2, Siwan in connection with Raghunathpur P.S. Case No. 26 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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