

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54044 of 2021

Arising Out of PS. Case No.-403 Year-2020 Thana- ROSERA District- Samastipur

PANCHAM LAL @ PANCHAM KUMAR YADAV SON OF RAM BILASH
YADAV R/O VILLAGE- MARRA, P.S.- ROSERA, DIST.- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh, Advocate

For the Opposite Party/s : Mrs. Rina Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.07.2021, seeks
regular bail in connection with Rosera P.S. Case No. 403 of
2020 registered for offences punishable under Sections 272, 273
of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegation is of recovery of 283.125 liters of illicit
foreign liquor from a dilapidated building of tube-well situated
near the road going towards Marra Amar.

Learned counsel appearing on behalf of the petitioner
submits that the patrolling team has apprehended the petitioner



merely on suspicion. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has clean antecedent and he is in custody since 01.07.2021 except for some period for which he was released on provisional bail to take examination which was scheduled from 2nd December, 2021 till 03.01.2022.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner. He submits that trade of illicit liquor is rampant in the State of Bihar and there is involvement of this petitioner in sell of the said illicit liquor in spite of the fact that state is dry and there is prohibition in the state as such he does not deserve to be enlarged on bail.

Considering the nature of allegation made the FIR that the illicit liquor was recovered from a dilapidated building of tube-well near road, the petitioner above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Special Judge Excise, Samastipur in connection with Rosera P.S. Case No. 403 of 2020 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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