

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 45351 of 2022

Arising Out of PS. Case No.-116 Year-2022 Thana- DEHRI TOWN District- Rohtas

1. Umesh Yadav S/O- Late Jokhan Yadav Resident Of Village - Idgah Mohalla, P.S.- Dehri Town, District - Rohtas (Sasaram).
2. Purnasi Yadav S/o- Late Jokhan Yadav Resident of Village - Idgah Mohalla, P.S.- Dehri Town, District - Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Upadhyay, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners 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 petitioners seek bail in connection with Dehri P.S. Case No. 116 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

As per prosecution case, recovery of 120 litres of *mahua* liquor was made from bushes on the banks of a canal behind the irrigation department colony. The petitioners were



named by the villagers for being involved in illicit sale of liquor.

Learned counsel for the petitioners submits that petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. Their names have been given in the alleged occurrence with ulterior motive. The petitioner no. 1 is having three criminal cases pending against him whereas petitioner no. 2 is having clean antecedent. The petitioner no. 1 is in custody since 24.05.2022 and petitioner no. 2 is in custody since 16.04.2022 and charge sheet has been submitted.

Learned APP for the State opposes the prayer for bail.

Having regard to the facts and circumstances and considering the fact that no recovery has been shown from the conscious possession of these petitioners and further considering their period of custody along with the submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Exclusive Special Excise Court 1 Rohtas at Sasaram in connection with Dehri P.S. Case No. 116 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal



Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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