

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46003 of 2022**

Arising Out of PS. Case No.-548 Year-2021 Thana- JAGDISHPUR District- Bhojpur

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LAL BABU YADAV @ JAY PRAKASH YADAV @ LAL BABU SINGH
S/O TRILOKI YADAV Resident of village- Narayanpur, P.S.- Jagdoshpur,
District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Pandey, Advocate.
For the Opposite Party/s : Mr. Zainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Awadhesh Kumar Pandey, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Jagdishpur P. S. Case No. 548 of 2021
registered for the offences punishable under Sections 30 (a) and
30 (d) of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the police, on a confidential information, conducted a raid at the bank of river Chher and on search, altogether 2410 litres Mahua Pash liquor was recovered, which later on, destroyed by the police. It is also alleged that 35 litres of Mahua liquor was also recovered along with some utensils for manufacturing of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is also submitted that the other co-accused persons, namely, Birendra Singh @ Birendra Yadav has already been granted anticipatory bail in Cr. Misc. No. 15420 of 2022 vide order dated 01.04.2022. It is further submitted that there is no compliance of Section 100(4) of the Cr.P.C., apart from the defiance of Sections 81 and 82 of the Bihar Prohibition and Excise Act. It is last submitted that the petitioner, having fair antecedent, is in custody since 01.07.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on



behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the alleged recovery has been made from the bank of river Chher, which is the open place and accessible to all and other co-accused persons, having more or less identical allegation has already been granted anticipatory bail by learned coordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Bhojpur, Ara in connection with Jagdishpur P. S. Case No. 548 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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