

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46294 of 2022

Arising Out of PS. Case No.-197 Year-2021 Thana- IMAMGANJ District- Gaya

Rajdeep Yadav, Son of Raju Yadav, Resident of Village - Kosma, P.S.-
Imamganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), if any, 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 Imamganj P.S. Case No. 197 of 2021,
registered for the alleged offence under Section 30 (a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received secret
information about petitioner along with his associates bringing
illicit country made liquor in huge quantity and packing it in an
orchard near the River Labzi. A raid was conducted at the
identified place and recovery of 150 liters of country made
Mahua liquor was made. The local people told the police that



the land belongs to this petitioner and they were involved in trade of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the allegedly recovered article. The petitioner is in custody since 12.06.2022 and charge sheet has been submitted.

The learned APP opposes the prayer for bail submitting that the petitioner has got one criminal antecedent.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with submission of charge sheet, he is directed to 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 Exclusive Special Judge, Excise Court No.02, Gaya, in connection with Imamganj P.S. Case No. 197 of 2021, 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 petitioner.
- (ii) The petitioner 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 petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

