

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46934 of 2022

Arising Out of PS. Case No.-20 Year-2021 Thana- BENIPATTI District- Madhubani

Saukhi Yadav, S/o Late Bujhawan Yadav, Resident of Village- Agropatti, P.S.-
Benipatti, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Benipatti P.S. Case No. 20 of 2021 registered
for the offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The police on a confidential information, with regard
to concealment of illicit wine by the petitioner and his family
members, conducted raid and on search from the field of the
petitioner 433.800 litres of Indian made foreign liquor was



recovered, which was found concealed by the paddy straw.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. and the seizure list, it is evident that the alleged recovery has been made from the field, situated 100 meters far from the house of the petitioner, which is an open place and accessible to all. He next submits that the land, in question, belong to various persons, including the petitioner, and, as such, the petitioner cannot be held responsible for the same. He further submits that the co-accused person, namely, Amod Yadav @ Amod Kumar, having almost identical allegation, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 50160 of 2021 vide order dated 24.03.2022. He lastly submits that the petitioner is in custody since 20.07.2022, though the investigation of the crime is already complete and charge-sheet has been submitted.

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 considering the fact that the alleged recovery has been made from a field, which is an open place and accessible to all and, moreover, the investigation of the crime is



already complete and charge-sheet has been submitted and the co-accused person, having almost identical allegation, has already been granted bail by the learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 20 of 2021, subject to the condition that one of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found



that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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