

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51798 of 2022

Arising Out of PS. Case No.-481 Year-2021 Thana- GOGRI District- Khagaria

CHANDAN YADAV S/O VIJAY YADAV Resident of Uasri, P.S.- Gogari,
District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunit Kumar

For the Opposite Party/s : Mr.Pushpa Sinha. 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Gogri
P.S. Case No. 481 of 2021 registered for the offences punishable
under Section 30 (a), (b) and (c) of the Bihar Prohibition and
Excise Amendment Act, 2016.

As per prosecution case, there is alleged recovery
of 12 liter Mahua liquor along with gas cylinder, stove and one
burner from the basa of co-accused Vijay Yadav and he is
apprehended on the spot. It is also alleged that 500 liter semi-
manufactured Mahua was destroyed. Apprehended co-accused
Vijay Yadav disclosed the name of the present petitioner and



others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 24.02.2021. Petitioner bears criminal antecedent of three cases of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioner and petitioner is not apprehended on the spot. He also submits that similarly situated co-accused Amit Yadav and Vijay Yadav have already been granted bail vide Cr. Misc. No. 19740 of 2022 and Cr. Misc. No. 11447 of 2022 respectively.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, similarly situated co-accused have already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge IInd cum-Special Judge (Excise), Khagaria in connection with Gogri P.S. Case No. 481 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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