

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52827 of 2022

Arising Out of PS. Case No.-130 Year-2022 Thana- SIMRI District- Buxar

SONU YADAV S/o Ghuman Yadav Resident of Village- Badaka Rajpur, P.S.-
Simari, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akhilesh Kumar Pandey

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 through virtual mode.

The petitioner seeks bail in connection with Simari
(Hata O.P.) P.S. Case No. 130/2022 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

As per prosecution case, there is alleged recovery of
total 60.480 liters foreign liquor from bush situated in the open
Ganga Diyara area. The local Chaukidar disclosed the name of
petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 16.06.2022 and bears criminal antecedent of two cases of similar nature. Nothing has been recovered from the conscious possession of the petitioner, rather, the said recovery was made from the bushes situated in the open Ganga Diyara area. He further submits that the petitioner was neither apprehended on the spot nor concerned with the seized wine.

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, petitioner is not apprehended on the spot, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise, Court No.2, Buxar in connection with Simari (Hata O.P.) P.S. Case No. 130/2022, 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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