

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53165 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- WARISLIGANJ District- Nawada

Fucho Yadav @ Fulchand Yadav Son of Late Amirak Yadav Resident of
Village - Korma, P.S.- Warisaliganj, District - Nawada, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), 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 Warsaliganj P.S. Case No. 105 of 2022
registered for the alleged offences under Sections 30(a) and
30(d) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received a tip off
about petitioner manufacturing and selling illicit country made
liquor. A raid was conducted at the identified place and the
petitioner is said to have escaped from the spot. From search of
this place, 800 litres of semi prepared liquor was recovered
which got destroyed while being taken out. Further recovery of



2.5 litres of country made *chulai* liquor and a gas furnace were also made from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the allegedly seized illicit liquor or the place from where the recovery has been made. The petitioner is in custody since 29.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-2, Nawada in connection with Warsaliganj P.S. Case No. 105 of 2022, 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.

(Arun Kumar Jha, J)

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