

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52138 of 2022

Arising Out of PS. Case No.-577 Year-2020 Thana- RAJAOLI District- Nawada

SANJAY YADAV Son of Late Dukhi Yadav Resident of Village -
Jhumritiliya, P.S.- Jhumritiliya, District - Kodarma (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Priya Ranjan, Advocate
	:	Mr. Mukesh Kumar, Advocate
	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Rajauli P.S.
Case No. 577 of 2020 registered for the offence under Sections 30(a)
and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in
custody since 07.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 3131.55 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that name of petitioner surfaced on the basis of confessional statement of co-accused namely, Tek Lal Mahto in furtherance of which no incriminating material surfaced/recovered to connect petitioner with present recovery of illicit liquor. It is further submitted that petitioner named in present case only for his criminal antecedents as he found involved in 42 cases, where in maximum of cases his name surfaced on the basis of confessional statement, as of present case. It is also submitted that out of 42 cases petitioner already acquitted in 19 cases running from Sr. No. 1-19 as mentioned in para 3 of the present bail petition, whereas final form submitted for the case mentioned at Sr. No. 20-21. It is also pointed out that in rest of 21 cases, he is on bail in 16 cases, where in maximum cases name of petitioner surfaced on confessional statement as of present case. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajauli P.S. Case No. 577 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge-02, Nawada/concerned court,
subject to the conditions as follows:

“(i) That petitioner shall not involve
in the similar nature of offence till the conclusion
of trial, failing which, the State shall be at liberty to
move before the Trial Court itself for the
cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate
in the trial and shall be physically present on each
and every date before the Trial Court till conclusion
of the trial and exemption from physical
appearance be allowed by the Trial Court, only on
medical ground of the petitioner duly supported by
the documents.

(iii) That one of the bailors shall be
Ramesh Kumar, who is the nephew of the petitioner
and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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