

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63857 of 2021

Arising Out of PS. Case No.-62 Year-2019 Thana- JADOPUR District- Gopalganj

MUNNA YADAV @ MUNNA PRASAD Son of Late Ramchandra Yadav
Resident of Village- Rampur Tengrahi, Dharmapur, P.S.- Jadopur, District-
Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Jadopur P.S. Case No. 62 of 2019 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is of recovery of 261 litres of country
made liquor from the boat of co-accused Sudama @ Kailash
Yadav and Santosh Yadav.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been



implicated in this case. He was not apprehended on the spot. Alleged recovery has been made from other co-accused namely Santosh Yadav and Kailash Yadav. Allegation against the petitioner is that on the basis of disclosure made by one Upendra Yadav, petitioner has been roped in the present case. Nothing has been recovered from conscious possession of the petitioner. He has no concern either with the manufacturing of liquor or its trade in any manner. Petitioner is in custody since 02.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner is mafia and he is engaged in illicit trade of liquor in the State of Bihar as several cases under Bihar Prohibition and Excise Act are pending against him. It would not be in public interest nor for the society to enlarge the petitioner on bail. He further submits that in spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder.

Taking into consideration the quantity of country made liquor recovered and the period of custody undergone by the petitioner, name of the petitioner surfaced on the basis of disclosure made by one independent person namely Upendra Yadav who has been released on bail vide order dated



17.08.2019 passed in Cr. Misc. No. 50639 of 2019, the petitioner, above named, is directed to be released on bail on furnishing bail bond of **Rs.100,000/- (Rupees one lac)** with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II cum Special Judge, Excise, Gopalganj in connection with Jadopur P.S. Case No. 62 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) **The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.**



(6) The petitioner will make his attendance before the concerned police station every fortnightly till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the police station shall submit his monthly attendance report to the Superintendent of Police, Gopalganj.

Court below is directed to summon the Superintendent (Excise), Gopalganj and seek his personal affidavit with respect to the present petitioner and the measures taken by him to stop the illicit trade of liquor within his jurisdiction.

Petitioner is directed to file a personal affidavit before the court below and before the Superintendent of Police, Gopalganj that in future he will cooperate with the prosecution as well as the State authority in stopping the illicit trade of liquor. If such affidavit is not filed on behalf of the petitioner within two days after his release, this order will automatically loose its force.

(Purnendu Singh, J)

mantreshwar/-

U		T	
---	--	---	--

