

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57614 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- KOTHI District- Gaya

Vijay Yadav Son Of Mahang Yadav @ Mahesh Yadav R/O Village- Imanabad,
P.S.- Sohail, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), if any, 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 Kothi P.S. Case No. 71 of 2022 registered for
the alleged offences under Section 30(a)/56(d) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, the petitioner was
apprehended and from his motorcycle 150 liters of country
made *mahua* liuqor was recovered.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Nothing incriminating has been recovered from the person



or possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner was going by motorcycle to the village of one of his relatives and on the way he was caught by the police and told to become witness in a case of seizure of liquor and on his refusal he was made accused in this case. Learned counsel further submits that there is no compliance of statutory provision, particularly, Section 100 of the Cr.P.C. Seizure list has been prepared at the police station and not at the place of occurrence. The petitioner has no concern with the allegedly seized liquor or the business of illicit liquor. The petitioner is in custody since 01.08.2022 and charge-sheet has been submitted in this case. The petitioner has got no criminal history.

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 charge-sheet has been submitted in this case and further considering the period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.3, Gaya in



connection with Kothi P.S. Case No. 71 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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