

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56179 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- SALAIYA District- Aurangabad

Kamlesh Yadav Late Dharmdeo Yadav Resident of village- Sonar Chak, P.S-
Salaiya, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Rathour, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 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 Salaiya P.S. Case No. 62 of 2021 registered for
the alleged offences under Section 30 (a) of the Bihar
Prohibition Act and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information about the petitioner and co-accused persons
manufacturing country made liquor at an identified place. A raid
was conducted but none of the miscreants were arrested. On
search of the place of occurrence, 70 litres of *Mahua Chulai*
liquor was recovered.



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. Moreover, recovery has been made as an open place which is accessible to all and the said place does not belong to this petitioner. The petitioner is in custody since 05.05.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in a number of cases

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with the submission of charge-sheet and also considering the fact that no recovery has been shown from this petitioner, 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 Special Judge, Excise-1st Aurangabad in connection with Salaiya P.S. Case No. 62 of 2021 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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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