

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58283 of 2022

Arising Out of PS. Case No.-539 Year-2017 Thana- MASAUDHI District- Patna

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Vinod Yadav @ Binod Prasad Son Of Late Ganauri Yadav R/O Village-
Badroi, P.S.- Masaurhi, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Hriday Prasad, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks (if any).

In the present case, the petitioner seeks bail in
connection with Masaurhi P.S. Case No. 539 of 2017 registered
for the alleged offences under Section 290 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act
and Section 2, 3 and 4 of the Mahua Flower Control Act.

As per prosecution case, police received information
about manufacturing of illicit country made liquor in furnaces
on the bank of Morhar river. A raid was conducted and all
accused persons fled away from the spot. The informer told the
name of the petitioner along with 25 other co-accused persons



who were involved in manufacturing of illicit liquor. Recovery of 50 litres of country made mahua liquor was made from the spot and huge quantity of jawa mahua liquor got destroyed at the time of extraction.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 05.07.2022 and charge-sheet has been submitted.

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 petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody along with the 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 Special Judge, Excise, Patna in connection with Masaurhi P.S. Case No. 539 of 2017, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the other following conditions:



(i) One of the bailors will be 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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