

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58079 of 2022

Arising Out of PS. Case No.-642 Year-2022 Thana- BRAHMPUR District- Buxar

Uma Yadav S/o Late Dashrath Yadav R/V- Kant, P.S.- Brahmpur, Distt-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Pathak, Advocate

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

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 Brahmpur P.S. Case No. 642 of 2022 under
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, petitioner was apprehended
with a bag containing 20 litres of country made liquor.

The learned counsel for the petitioner submits that
petitioner is innocent as he was not apprehended with the illicit
liquor. In fact nothing incriminating has been recovered from his
conscious possession. The recovery shown in this case has been
made from the road and petitioner has been falsely implicated in



this case. There is no independent witness to the seizure list. The petitioner is in custody since 01.09.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and four cases are pending against him.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from him and further considering the period of custody of the petitioner along with the submission of charge-sheet against him, 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 Excise Judge Court No.2 at Buxar in connection with Brahmpur P.S. Case No. 642 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 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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