

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71184 of 2021

Arising Out of PS. Case No.-257 Year-2020 Thana- KUSHESHWARASTHAN District-
Darbhanga

SHYAM YADAV S/o Kailu Yadav R/o village- Shahpur, P.S.-
Kusheshwarsasthan, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar Choudhary

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 29.07.2021,
seeks bail in connection with Kusheshwarsasthan P.S. Case No.
257 of 2021 (Excise G.O Case No. 1006 of 2020), for the
offence punishable under Section 30(a)/38 of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether
218.880 litres of Indian Made Foreign Liquor was recovered
from the tractor parked in front of the house of petitioner and
593.4 litres of Indian Made Foreign Liquor recovered from the



Varanda of the house of petitioner.

Learned counsel appearing on behalf of the petitioner submits that the other co-accused from whose tractor, the alleged illicit liquor was recovered, has already been released on bail by the learned Court below. The allegation against the petitioner is that the alleged tractor in which the illicit liquor was loaded was found parked in front of the house of petitioner. The petitioner has a clean antecedent.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 1,00,000/- (Rs. One Lakh) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Darbhanga in connection with Kusheshwarsasthan P.S. Case No. 257 of 2021 (G.O Case No. 1006 of 2020) subject to the following conditions:-

(1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(3) If the petitioners tamper 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 petitioners.

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

(Purnendu Singh, J)

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