

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61984 of 2022

Arising Out of PS. Case No.-533 Year-2019 Thana- BARAUNI District- Begusarai

Sita Ram Yadav @ Siyaram Yadav @ Baba @ Baba Thakur @ S.T.R. @
Shyam Ji Son of Triveni Ray Resident of village - Motipur, Koyarkatta, P.S.-
Motipur, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of
four weeks from today.

The petitioner seeks bail in connection with Barauni P.S.
Case No. 533 of 2019 registered for the offence under Section 30(a)
of the Bihar Prohibition and Excise Act, 2018 and Sections 414,
120(B) of IPC.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.05.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was
recovery of 3386 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, who was the driver of alleged vehicle, namely, Rajendra Kumar, and in furtherance of which no incriminating material was recovered/surfaced during the course of investigation, which may connect this petitioner, *prima facie*, with present recovery of illicit liquor. It is further submitted that petitioner found involved in 16 more criminal cases, where in most of the cases, the name of petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it has been submitted that investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Barauni P.S. Case No. 533 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Judge Excise-I, Begusarai/concerned Court, subject to the conditions as mentioned:

“(i) That accused/petitioner



shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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