

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1568 of 2022**

Arising Out of PS. Case No.-357 Year-2021 Thana- KHIJARSARAI District- Gaya

SURENDRA YADAV Son of Munni Yadav Resident of Village - Nagariyawa,  
P.S. - Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      13-06-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Khizersarai P.S. Case No. 357 of 2021 registered for the offence  
punishable under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

As per prosecution case, it is alleged that on secret  
information police raided the place of occurrence and  
apprehended the petitioner and 40 litre country made wine has  
been recovered from his possession.

Learned counsel for the petitioner submits that  
petitioner is in custody since 17.11.2021 and bears criminal



antecedent of one case of similar nature. He further submits that alleged recovery has been made from an open land and petitioner is not owner of the said open land. Petitioner has no concern with the so-called seized articles of this case. Seizure list was not prepared according to the statutory provision of law. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd cum Special Judge, Excise Act, Gaya in connection with Khizerasara P.S. Case No. 357 of 2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

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