

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68357 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- LAUKAHI District- Madhubani

AKHILESH KUMAR YADAV Son of Jeetendra Yadav @ Jivendra Yadav
Resident of Village - Majhaura Barhara, P.S.- Nadi, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

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

The petitioner seeks bail in connection with Laukahi
(Narahiya O.P.) P.S. Case No. 241 of 2022 registered for the
offence under Sections 272, 273 and 34 of the Indian Penal
Code and under Section 30(a) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.10.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 468 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from the vehicle which is not connected in any manner with the petitioner and as such it cannot be said that said recovery was made from the conscious physical possession of this petitioner. It is submitted that seizure list appearing doubtful, being not supported by the independent witnesses rather by home guards personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

In view of the facts and circumstances as mentioned above, as seizure list appears doubtful, being not supported by independent witnesses, 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 Laukahi (Narahiya O.P.) P.S. Case No. 241 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exercise Act, Jhanjharpur/concerned Court, subject to the



conditions as mentioned under Section 437(3) of the Cr.P.C with further condition:

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

(Chandra Shekhar Jha, J)

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