

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23008 of 2023

Arising Out of PS. Case No.-112 Year-2017 Thana- SASARAM NAGAR District- Rohtas

Subhas Yadav @ Subash Yadav S/O Late Chandradeo Yadav Resident Of
Village- Kharagpura, P.S.- Kargahar, District- Rohtas At Sasaram.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Sasaram
(Model) P.S. Case No. 112 of 2017 registered for the offence
under Section 420 of the Indian Penal Code and Section
30(a)/38/41 of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 21.02.2023.

The allegation against the petitioner is to have in
possession of 2581.920 litres of illicit liquor and also to involve
in illegal trading thereof.

Learned counsel appearing on behalf of the petitioner



submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Chandan Kumar and Sadanand Rai, where in furtherance of no incriminating materials including illicit liquor recovered from the possession of this petitioner. It is also submitted that said co-accused, namely, Chandan Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 42334 of 2017 dated 07.11.2017. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases, where he is on bail in both cases, and, moreover, 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 no illicit liquor appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.02.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Sasaram (Model) P.S. Case No. 112 of 2017 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two



sureties of the like amount each to the satisfaction of learned
Exclusive Special Excise Court no. 2-Cum-Additional District
and Sessions Judge, Rohtas at Sasaram/concerned Court, subject
to the conditions as mentioned under Section 437(3) of the
Cr.P.C.

(Chandra Shekhar Jha, J)

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