

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40073 of 2023

Arising Out of PS. Case No.-84 Year-2023 Thana- NARPATGANJ District- Araria

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Sunil Yadav S/o Late Mahaveer Yadav R/O Village- Sitapur, Ps. Karjain
Bazar, Dist. Supaul.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2023 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
Narpatganj P.S. Case No. 84 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2016 and Sections 272, 273, 279 of the Indian
Penal Code.

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



custody since 15.05.2023.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1836 litres of Nepali wine from the alleged Pick Up Van.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit Nepali liquor not appears to be made from physical possession of this petitioner, where his name surfaced on the basis of secret input. It is submitted that petitioner neither owner nor driver of the alleged vehicle and not connected in any manner with alleged recovered illicit liquor. It is submitted that one of the reason for false implication is suspicion arises out of criminal antecedents as petitioner found involved in six criminal cases, where he is on bail in five cases. While concluding the argument, it is 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 illicit liquor not appears to be recovered from the physical possession of this petitioner, coupled with the fact that



charge-sheet has already submitted, where petitioner is in custody since 15.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Narpatganj P.S. Case No. 84 of 2023 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 Judge, Excise-I, Araria/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

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

(Chandra Shekhar Jha, J)

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