

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41255 of 2023

Arising Out of PS. Case No.-390 Year-2022 Thana- JAYNAGAR District- Madhubani

Sanjay Yadav Son Of Awadh Yadav Resident Of Village - Bhariya Bishanpur,
Ward No. 7, P.S. - Rajnagar, Distt. - Madhubani.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Jaynagar P.S. Case No. 390 of 2022 registered for the offence
under Section 414 of the Indian Penal Code and Section
30(a)/41 of the Bihar Excise (Prohibition) Amendment Act,
2022.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 21.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 675 litres of Nepali Wine from the Scorpio



vehicle.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on the spot and his name surfaced during the course of investigation on the basis of disclosure made by co-accused, namely, Pappu Kumar Yadav, where no recovery of illicit liquor was made. While concluding the argument, it is submitted that petitioner found involved in two more criminal cases of similar nature, 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.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 21.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Jaynagar P.S. Case No. 390 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 Addl. Session Judge-II-Cum Special Judge, Excise Act, Madhubani/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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