

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41690 of 2023

Arising Out of PS. Case No.-899 Year-2020 Thana- MADHEPURA District- Madhepura

Rudal Yadav Son of Late Dhanik Lal Yadav Resident Of Village- Godhiyari
Ward No 03, Ps- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with
Madhepura P.S. Case No. 899 of 2020 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 05.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 88 litres of IMFL/country made liquor from
the alleged tempo.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not connected in any



manner with alleged tempo from which illicit liquor was recovered. It is submitted that as the tempo was parked outside the house of this petitioner, he was arrested with present case out of suspicion, where nothing surfaced during the course of investigation as to connect petitioner, *prima facie*, with alleged recovered illicit liquor. It is submitted that it can be said safely that recovery of illicit liquor not made from physical possession of this petitioner.

6. Learned APP, while opposing the prayer of bail, submitted that petitioner found involved in four criminal cases out of which two cases is of similar nature.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as recovery alleged illicit liquor not appears to be made from physical possession of this petitioner, where petitioner is in custody since 05.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Madhepura P.S. Case No. 899 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions judge-V-cum-Special Judge, Excise-1, Madhepura/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) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of 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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