

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41698 of 2023**

Arising Out of PS. Case No.-48 Year-2023 Thana- RAGHUNATHPUR District- Siwan

Indrajeet Yadav Son of Rajdhan Yadav Resident of Village- Raghunathpur,
Ps- Raghunathpur, Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 24-07-2023 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
Raghunathpur P.S. Case No. 48 of 2023 registered for the
offence under Section 414 of the Indian Penal Code & 30(a) of
the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and
is in custody since 16.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 392.500 litres of IMFL/country made liquor.

6. Learned counsel appearing on behalf of the



petitioner submitted that petitioner was not apprehended on spot and he was remanded in present case from Raghunathpur P.S. Case No. 89 of 2023 and it is not a case of recovery of illicit liquor from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in further five cases of similar nature, where he is on bail and moreover, investigation of this case has been 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 and by taking note of the fact as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 16.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Raghunathpur P.S. Case No. 48 of 2023 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 court of Exclusive Special Excise Court No. 2, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of



the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the 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 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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