

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45197 of 2023**

Arising Out of PS. Case No.-175 Year-2023 Thana- MADANPUR District- Aurangabad

Kamlesh Yadav Son Of Ramjee Yadav Resident Of Village- Badki
Chhechhani, Ps- Madanpur, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

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

2 02-08-2023 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
Madanpur P.S. Case No. 175 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 14.04.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 30 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from the
motorcycle. It is submitted that petitioner is neither the owner nor
connected in any manner with the alleged motorcycle and as such



it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that petitioner found involved in one more case, 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.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Madanpur P.S. Case No. 175 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 Special Judge, Excise 1st, Aurangabad/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 indulge in any criminal case 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.

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

(Chandra Shekhar Jha, J)

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