

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46829 of 2023**

Arising Out of PS. Case No.-112 Year-2022 Thana- MADHWAPUR District- Madhubani

BINOD KUMAR YADAV SON OF RAM CHANDRA YADAV RESIDENT
OF VILLAGE- KAMTAUL, P.S. KAMTAUL, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 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
Madhwapur P.S. Case No. 112 of 2022 registered for the offence
under Section 272, 273, 414 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is not named in the F.I.R. and
is in custody since 29.05.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 45 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor not
appears to be recovered from the conscious physical possession as
petitioner was not apprehended on spot and as scooter of petitioner
was seized over there, which was taken by one of the co-accused,
petitioner was implicated with the present case without having any



cogent material. While concluding the argument, it is submitted that petitioner found involved in two more 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.

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 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 29.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Madhwapur P.S. Case No. 112 of 2022 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 Sessions 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 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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