

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46638 of 2023

Arising Out of PS. Case No.-86 Year-2023 Thana- KHAJAULI District- Madhubani

SHRAWAN KUMAR YADAV SON OF LATE ARUN YADAV @ ARUN
KUMAR YADAV RESIDENT OF VILLAGE- YOGIYA, PS- LADANIYA,
DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Khajauli P.S. Case No. 86 of 2023 registered for the offence
under Sections 272 and 273 of the Indian Penal Code and
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 09.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 135 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that implication of this petitioner appears



only being a driver of the alleged car, from where, recovery of illicit liquor was made. It is submitted that petitioner is neither owner of the alleged vehicle nor connected in any manner with alleged recovery of illicit liquor and as such, it can be said safely that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in 03 more criminal cases, where, he is on bail and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above, as implication of this petitioner appears only being a driver of alleged vehicle, from where, recovery of illicit liquor was made coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 09.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Khajauli P.S. Case No. 86 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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 condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i) That 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) 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 of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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