

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49042 of 2023**

Arising Out of PS. Case No.-35 Year-2023 Thana- NADI District- Supaul

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Anand Yadav Son of Bhupendra Yadav Resident Of Village - Kiyottapatti,
P.S.- Supaul Riverine @ Supaul Nadi, District – Supaul.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

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

2 10-08-2023 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 S.Tr.
No. 451 of 2023 arising out of Supaul Nadi P.S. Case No. 35 of
2023 registered for the offence under Section 414 of the Indian
Penal Code and Section 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 20.04.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery 252 litres of IMFL/country made liquor from



the alleged Pick-up van.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is neither owner nor driver and not connected in any manner with the alleged vehicle. It is submitted that petitioner took a lift for a short destination from the driver of alleged vehicle, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware about the consignment of illicit liquor. While concluding the argument, it is submitted that petitioner found involved in five more criminal cases, where he is on bail, and moreover, investigation of this case is 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 and by taking note of fact as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023, accordingly, petitioner above named, is directed to be released on bail in connection with S.Tr. No. 451 of 2023 arising out of Supaul Nadi P.S. Case No. 35 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 Exclusive Special Judge, Excise Court No. 1, Supaul/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) 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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