

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49046 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- BARUN District- Aurangabad

Uday Yadav @ Uday Kumar Son Of Prakash Yadav Resident Of Village
-VISHUN Bigha, Ps- Barun, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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. The petitioner seeks bail in connection with Barun P.S.
Case No. 285 of 2022 registered for the offence under Section
Sections 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 26.06.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 105 litres of IMFL/country made liquor from an open place.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from the eastern open field of Vishun Middle School, Bigha, which is
an open place and accessible by general public and, as such it can be
said safely that recovery of alleged illicit liquor not appears to be



made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in one more criminal 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 opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Barun P.S. Case No. 285 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 Special Judge, Excise-1, 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 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) 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)

pooja/-

U		T	
---	--	---	--

