

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63075 of 2022**

Arising Out of PS. Case No.-258 Year-2022 Thana- SONO District- Jamui

CHUNCHUN YADAV S/o Kartik Yadav Resident of village- Hethladih, P.S.-
Charkapathar (Sono), District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar through Virtual Mode.

The petitioner seeks bail in Sono (Charkapathar)
Police Station (for brevity, **PS**) Case No 258 of 2022 registered
for the offence punishable under Section 30 (a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

On account of alleged recovery of 10 liters of country
made liquor from a jerry can in possession of the petitioner, he
is stated to be in custody since 14.08.2022.

It is submitted by the learned counsel that in similar
way, the petitioner has earlier been made accused in another
case. The recovery is denied and disputed. It is also submitted
that it is not as per mandatory procedure of search and seizure.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge Excise-II, Jamui in Sone (Chakrapathar) PS Case No 258 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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