

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71749 of 2022

Arising Out of PS. Case No.-302 Year-2021 Thana- MANSI District- Khagaria

Subodh Yadav, aged about 48 years, Gender Male, Son of Kisun Yadav @
Kisundev Yadav, Resident of Khutia, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Sager Sharma, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 15-02-2023 Heard Mr. Shiv Sager Sharma, learned counsel
appearing on behalf of the petitioner and Mr. Humayou Ahmad
Khan, learned APP for the State.

2. Petitioner, who is in custody since 15.11.2021,
seeks regular bail in connection with Mansi P.S. Case No. 302
of 2021 dated 14.11.2021 registered for offences punishable
under Sections 37(c)/30 (a) of the Bihar Prohibition and Excise
Act as amended up-to-date.

3. Allegation against the petitioner is of recovery of
95 litres *Chulai* liquor from his possession.

4. Learned counsel appearing on behalf of the
petitioner submitted that earlier the petitioner had moved before
this Court by filing the Criminal Miscellaneous No. 13951 of
2022, which was withdrawn vide order dated 15.06.2022. He



further submitted that the charges has not been framed till date. The petitioner is in custody since 15.11.2021. The seizure list reveals that 95 litres of *chulai* liquor was recovered from the possession of the petitioner. He submitted that the petitioner undertakes that he will not involved himself in the illicit trade of liquor in future and as such the petitioner may be released on bail on any terms and conditions imposed by this Court.

5. Learned A.P.P., for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the specific statement made by learned counsel for the petitioner that petitioner undertakes that he will not involved in the illicit trade of liquor in future and to that effect he will file a duly sworn affidavit before the Court below. The petitioner has remained in custody since 15.11.2021. Charges has yet not been framed. The petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 1,00,000/- (Rupees One Lac) with two sureties of the like amount each to the satisfaction of learned Special Judge-I (Excise), Khagaria in connection with Mansi P.S. Case No. 302 of 2021 dated 14.11.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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