

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33360 of 2024

Arising Out of PS. Case No.-252 Year-2021 Thana- KADWA District- Katihar

Parbhu Yadav Son of Chandeshwar Yadav Resident of Village - Kisanipatti,
P.S.- Ghoghardiha. Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-05-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Kadwa P.S. Case No. 252 of 2021 registered for the

offences under Sections 30 (a) of the Bihar Prohibition

and Excise Act 2016.

3. The petitioner is named in the F.I.R. and is

in custody since 06.02.2024.

4. The allegation against the petitioner is

involve in illegal business of foreign liquor where 2239

liters of foreign liquor was seized from a truck bearing



Registration No. PB 10 DB 6899.

5. Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced in the present case on the basis of confessional statement as made by apprehended co-accused namely Jagjeet Singh, in furtherance of which no incriminating material appears to be recovered from the conscious physical possession of this petitioner. It is further submitted that petitioner found involved in seven criminal cases of similar nature, where in maximum number of cases his name surfaced on the basis of disclosure as made by co-accused and on such confession he is implicated in the present case without having any connecting evidence. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the



State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 06.02.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Kadwa P.S. Case No. 252 of 2021 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 District and Session Judge-cum-Exclusive Excise Court 2, Katihar/concerned court, subject to the conditions 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 shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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