

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75777 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- SISWAN District- Siwan

Upendra Yadav Son of Rambhaju Yadav Resident of Village - Madhopur, P.S -
Sisawan, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Adv.

For the Opposite Party/s : Mr.Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Siswan P.S. Case No. 294 of 2023, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received secret information about petitioner keeping illicit liquor in his straw house. A raid was conducted in the house of the petitioner and recovery of 51.780 litre of India made foreign liquor as well as country made liquor was made from the spot.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case. Learned counsel submits that petitioner was not



apprehended from the spot and nothing incriminating has been recovered from his person or possession. The recovery has been made from an open place without gate and it is quite distant from the residential house of the petitioner. No recovery has been made from conscious possession of the petitioner. The petitioner was not present at the place of occurrence and he was not arrested by the police during raid. The petitioner has been dragged in this case merely on suspicion. Petitioner has got no criminal antecedent and he is in custody since 30.08.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and also considering his clean antecedent and period of custody of the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-11, Siwan/concerned court, in connection with Siswan P.S. Case No. 294 of 2023, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other



following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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