

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25862 of 2022**

Arising Out of PS. Case No.-25 Year-2022 Thana- ARA RAIL P.S. District- Bhojpur

Manji Yadav Son of Sri Bhagwan Yadav R/O Village- Pachhim Tola,  
Brahampur, Ward No.-6, P.S.- Brahampur, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Akhilesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      29-07-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Ara Rail  
P.S. Case No. 25 of 2022 registered for the offence under  
Section 30(a) of the Bihar Prohibition and Excise (Amendment)  
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 15.02.2022.

The allegation against the petitioner is to have in  
possession of 5.4 liters of foreign liquor, which was recovered  
from two black bags.



Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged black bags. It is submitted that recovery of illicit liquor is not from the conscious physical possession of the petitioner. It is further submitted that the seizure list is disputed, as same is not supported by independent witnesses, which is in violation of provision as laid down under Section 100(4) of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Ara Rail P.S. Case No. 25



of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Bhojpur, Ara/concerned Court, subject to the following conditions:

“(i) That 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.

(ii) That one of the bailors shall be Puja Devi, who is the wife of the petitioner and deponent of the present bail petition.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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