

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27791 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- JADIA District- Supaul

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Laltu Kumar Son of Kinu Yadav R/O Village- Piluwaha Ward No.-1, P.S.-
Jadiya, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 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 Jadiya
P.S. Case No. 32 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018 and
21(c) of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 25.01.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 135 litres of IMFL/country made liquor and 15.7



litres of cough syrup from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged liquor was made from the buffalo shed which is accessible by other family members and general public also, and as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that cough syrup is prepared by pharmaceutical company, where petitioner is known, moreover, the quantity of contraband i.e. 'Codeine' is less than small quantity, where maximum punishment is of one (1) year. It is further submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that alleged recovery was made from the buffalo shed.

Considering the facts and circumstances as mentioned above, as the alleged illicit liquor and cough syrup were not recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Jadiya P.S. Case No. 32 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 District and Session Judge, Supaul/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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