

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27530 of 2022**

Arising Out of PS. Case No.-222 Year-2021 Thana- BALIYA District- Begusarai

Rakesh Yadav Son of Rajesh Yadav R/O- Vill- Danauli, Phulwaria, P.S.-
Ballia, Dist- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

**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 Ballia P.S.
Case No. 222 of 2021 registered for the offence under Sections 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in
custody since 16.11.2021.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 349.5 litres of
IMFL from the open field.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor is made from the open field of



the petitioner, which was accessible by general public and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. 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 recovery of illicit liquor is made from the open field.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is made from the open field, accessible by general public 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 Ballia P.S. Case No. 222 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 Special Judge, Excise Court No.-02, Begusarai/concerned court, subject to the conditions mentioned in section 437 of sub-clause-3 of Cr.PC.

(Chandra Shekhar Jha, J)

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