

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28705 of 2022

Arising Out of PS. Case No.-637 Year-2021 Thana- MASAUDHI District- Patna

MANOJ KUMAR @ GABBAR YADAV S/o Late Mannu Yadav @ Mallu
Yadav @ Hira Lal Yadav R/o Village- Barhai Tola, Masaurhi, P.S.- Masaurhi,
Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore (App.100)

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Masaudhi
P.S. Case No. 637 of 2021 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 22.04.2022.

The allegation against the petitioner is to have in
possession of 69 liters of country made liquor, which was
recovered from a tempo.



Learned counsel appearing on behalf of the petitioner submitted that the recovery is from two sites, firstly from tempo and second from the house of the petitioner, accessible by general public and family members, suggesting thereof that recovery of illicit liquor was not made from conscious physical possession of the petitioner. It is submitted that investigation in this case is completed for which charge-sheet 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 the recovery was made from three-wheeler and house of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery cannot be said from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Masaudhi P.S. Case No. 637 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, Patna City/concerned Court, subject to the following conditions



as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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