

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31620 of 2022

Arising Out of PS. Case No.-160 Year-2021 Thana- RIGA District- Sitamarhi

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SANJAY KUMAR YADAV @ SANJAY RAI SON OF JALESHWAR RAY
@ JALESHWAR PRASAD YADAV R/O VILLAGE- PANCHHOR, P.S.-
RIGA, DISTRICT- SITAMRHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Riga P.S.
Case No. 160 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 22.03.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there was total
recovery of 864 litres of illicit country made Nepali liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of illicit liquor was made from toilet of the



co-accused, namely, Kishandeo Mahto, as such it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that name of the petitioner surfaced on the basis of secret information. While concluding the argument, it has been submitted that investigation is complete, for which, charge-sheet has already been submitted, as such there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Riga P.S. Case No. 160 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 Court of Exclusive Special Excise Court No. 1, Sitamarhi/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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