

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29472 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- ATRI District- Gaya

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1. Shyam Sunder Yadav @ Shyam Sundar Kumar Son of Ramanand Yadav @ Ramanand Prasad R/O Village- Chahal Mudera, P.S.- Atri, District- Gaya
 2. Vinay Yadav @ Vinay Kumar Son Of Kamlesh Yadav R/O Village- Chahal Mudera, P.S.- Atri, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Atri P.S. Case No. 242 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a)(d) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 22.02.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 50 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open field like bank of Paimar river, where nothing recovered from the conscious physical possession of the petitioners. It is submitted that seizure list is not supported by independent witnesses. It is submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list is disputed coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Atri P.S. Case No. 242 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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