

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31627 of 2022

Arising Out of PS. Case No.-125 Year-2022 Thana- HASPURA District- Aurangabad

JHIKAL YADAV @ DHIKAL YADAV S/o Late Nanhak Yadav R/o village-
Baghoi Tola Tar Bigha, P.S.- Haspura, District- Aurangbad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

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 Haspura P.S. Case
No. 125 of 2022 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 03.05.2022.

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

Learned counsel appearing on behalf of the petitioner submitted
that recovery of illicit liquor was made from four motorcycles, car and
outside the house of the petitioner, as such it cannot be said to be recovered
from the conscious possession of the petitioner. It has further been
submitted that petitioner is a man of clean antecedent. It is submitted that



seizure list is not supported by independent witnesses which appears to be in violation of Section 100(4) of the Cr.P.C. While concluding the argument, it has been submitted that investigation is complete, 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 was not made from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Haspura P.S. Case No. 125 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 Court of Additional District and Sessions Judge-IX cum Special Judge, (Excise)-II, Aurangabad, Bihar, subject to the following conditions: as laid down under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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