

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35738 of 2022**

Arising Out of PS. Case No.-349 Year-2020 Thana- BAGHA District- West Champaran

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SAMRU YADAV @ SABRU YADAV S/o Dhruv Yadav Resident of Village-
Naraipur Kewatiya, P.S.- Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-08-2022 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 Bagaha
(Patkhauri) P.S. Case No. 349 of 2020 registered for the offence
under Section 414 of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 11.01.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 266
litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery has been made from open place like orchard, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also submitted that name of the petitioner surfaced on the basis of disclosure of apprehended co-accused persons, negating that the recovery of illicit liquor has not been made from conscious physical possession of the petitioner. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery of illicit liquor was not made from physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is man of clean antecedent 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 Bagaha (Patkhauli) P.S. Case No. 349 of 2020 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, Bagaha, West Champaran/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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