

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31176 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- GOPALPUR District- Bhagalpur

1. AKHILESH YADAV @ AKHILESHWAR YADAV SON OF LATE CHULHO YADAV @ CHULHAIYA YADAV R/O- VILLAGE-TINTANGA KARARI, P.S.- GOPALPUR, DISTT.- BHAGALPUR
2. FENI YADAV SON OF LATE HULLO YADAV R/O- VILL-TINTANGA KARARI, P.S.- GOPALPUR, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

At the outset, learned counsel for the petitioner submitted that, inadvertently, name of petitioner no.2, in the cause title of the bail petition, has been wrongly typed as 'Fanny' instead of 'Feni'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction, during the course of the day itself.

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

The petitioners seek bail in connection with Gopalpur



P.S. Case No. 471 of 2021 registered for the offence under Sections 30(a) and 45 of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioners are named in the F.I.R. and are in custody since 30.11.2021.

The allegation against the petitioners is to involve in illegal business of illicit liquor, where 2 liters of country made liquor was recovered from fodder house of co-accused, namely, Manohar Yadav.

Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from fodder house of the co-accused, namely, Manohar Yadav, which is accessible by general public and nothing surfaced during the course of investigation, which may connect the petitioners with the alleged recovery of illicit liquor, as such, it cannot be said that recovery of illicit liquor was made from the conscious physical possession of the petitioners. While concluding the argument, it is submitted that petitioners are persons of clean antecedent and, moreover, investigation in this case is complete for which chargesheet 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 for bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioners.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said from the conscious physical possession of the petitioners, who are the persons of clean antecedent coupled with the fact that chargesheet has already been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Gopalpur P.S. Case No. 471 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 Additional District Judge-II-cum-Special Judge, Excise Act, Bhagalpur, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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