

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31231 of 2022

Arising Out of PS. Case No.-489 Year-2021 Thana- BYPASS District- Patna

SHIVJEE YADAV S/o Late Tej Narayan Yadav Resident of Village- Nala Par,
Jangli Parsad Lane, P.S.- chowk, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dayashanker Pandey
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Bypass P.S.
Case No. 489 of 2021 registered for the offence under Sections 30(a)
and 37(c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.12.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 200 litres of
illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that recovery has been made from jointly occupied tempo,



as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument, it is submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, 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 was made from jointly occupied tempo.

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 a 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 Bypass P.S. Case No. 489 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 Special Judge, Excise, Patna City/concerned court, subject to the conditions, as mentioned in Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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