

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34778 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- ATRI District- Gaya

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Sudhir Kumar Sinha, Advocate
For the State : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-11-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The petitioners seek bail in connection with Atri P.S. Case No. 236 of 2021 registered for the offence under Sections 272 and 273 of the Indian Penal Code and under Section 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Both the accused petitioners are named in the F.I.R and where petitioner No. 1 is in custody since 23.04.2022, whereas petitioner No. 2 is in custody since 22.04.2022.

The allegation against the petitioners is to be involved



in illegal trade and manufacturing of illicit liquor, where, there was recovery of 45 litres of illicit IMFL/countrymade liquor and utensils.

Learned counsel appearing on behalf of the petitioners submitted that the recovery of alleged illicit liquor, alongwith utensils, with further allegation of making illicit liquor in an open place '*Khar*', which is accessible by general public and, as such, it can be safely gathered that recovery was not made from the conscious physical possession of these petitioners. It is further submitted that both the petitioners are involved in three more criminal cases, where they are implicated in this case merely on the basis of suspicion, otherwise having no connection with the present case. It is further submitted that seizure list appears doubtful, not supported by independent witnesses rather by police personnel. 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 appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor and utensils were



made from an open place, in the background of doubtful seizure list 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 Atri P.S. Case No. 236 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 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)

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