

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35640 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- TRIVENIGANJ District- Supaul

CHANDRABHUSHAN KUMAR YADAV @ CHANDRABHUSHAN
KUMAR @ CHANDRABHUSHAN YADAV @ BHUSHAN YADAV Son of
Surya Narayan Yadav @ Suraj Yadav @ Suraj Narayan yadav Resident of
Village - Ward no.02, Kasha, Latauna, P.s.- Triveniganj, Distt.- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

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 Triveniganj
P.S. Case No. 202 of 2021 registered for the offence under Section
30(a) and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.01.2022.

The allegation against the petitioner is to be engaged in
illegal trade of illicit liquor, where, there is recovery of 1119.24 litres
of illicit liquor.

Learned counsel appearing on behalf of the petitioner
submitted that seizure list is not bearing signature of the petitioner,



negating thereof that alleged illicit liquor was recovered from conscious physical possession of the petitioner. It is also pointed out that petitioner is involved in another one case, in which, he is on bail. 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, as per seizure list.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not made from the conscious physical possession of the petitioner 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 Triveniganj P.S. Case No. 202 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 ADJ-IV-cum-Special judge, Excise, Court No.1, Supaul/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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