

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35249 of 2022

Arising Out of PS. Case No.-438 Year-2021 Thana- TRIVENIGANJ District- Supaul

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Chandrabhushan Kumar Yadav @ Chandrabhushan Kumar @
Chandrabhushan Yadav @ Bhushan Yadav S/o Surya Narayan Yadav @ Suraj
Yadav @ Suraj Narayan Yadav Resident of Ward No. 02, Kasha, Latauna,
P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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. 438 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.01.2022.

The allegation against the petitioner is to involve in



the illegal business of illicit liquor, where 121.14 liters of foreign liquor was recovered from the house of the co-accused, namely, Kapileshwar Yadav.

Learned counsel appearing on behalf of the petitioner submitted that recovery is made from the house of the co-accused, namely, Kapileshwar Yadav, who further disclosed the name of the petitioner to be involved in the present recovery of illicit liquor. It is submitted that nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of illicit liquor. While concluding the argument, it is submitted that 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 of bail, fairly conceded that recovery was not made from the physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery was not made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Triveniganj P.S. Case No. 438 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 Additional District Judge-IV-cum-Special Judge, Excise, Court No.1, Supaul/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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