

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37101 of 2022

Arising Out of PS. Case No.-65 Year-2022 Thana- CHANDI District- Bhojpur

NAVLESH YADAV Son of - Late Saha Nand Singh @ Late Sada Nand Resi-
dent of Village - Ram Dihara Tola (Jogta), P.S.- chandi, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s: Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 Heard learned counsel appearing on behalf of the peti-

tioner 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 Chandi
P.S. Case No. 65 of 2022 registered for the offence under Sec-
tions 30(a)/36 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.03.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 50 litres of IMFL/country made liquor from an open
place.

Learned counsel appearing on behalf of the petitioner
submitted that recovery of alleged illicit liquor was made from
an open place like bank of river and, as such, it cannot be said



to be recovered from the conscious physical possession of the petitioner, who is a man of clean antecedent. It has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that the recovery of illicit liquor was made from an open place.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was made from an open place and not from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Chandi P.S. Case No. 65 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned-I Exclusive Special Excise Court, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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