

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35514 of 2022

Arising Out of PS. Case No.-556 Year-2019 Thana- MAJHAULIA District- West Champaran

SIPAHI KUMAR @ SIPAHI YADAV S/O SRI HARENDRA YADAV
RESIDENT OF VILLAGE- JOGIYA, P.S.- HARSIDHI, DISTRICT- EAST
CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Rana Randhir Singh

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 Majhauria
P.S. Case No. 556 of 2019 registered for the offence under
Sections 413/414/420/467/468/353/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.02.2022.

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



257.070 litres of illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was not made from conscious physical possession of the petitioner, where the name of the petitioner surfaced on the basis of input given by police spy. It is also submitted that petitioner found involved in 5 other criminal cases of similar nature, has been falsely implicated in the present case also. 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 has not been made from conscious physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as the recovery has not been made from 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 Majhulia P.S. Case No. 556 of 2019 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 Judge, Excise, West Champaran at Bettiah/concerned
court, subject to the condition as mentioned under Section
437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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