

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37095 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- MAHUA District- Vaishali

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PAPPU KUMAR @ PAPPU YADAV SON OF RAVINDRA RAI @
RAVINDRA KUMAR Resident of village- Mahua Singh Rai, PS- Mahua,
District- vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Asha Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-08-2022 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 Mahua
P.S. Case No. 138 of 2022 registered for the offence under
Sections 30(a) and 41(i) of the Bihar Prohibition and Excise
Act, 2018.

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

custody since 23.05.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of illicit liquor, where, there is

recovery of 404.61 litres of IMFL/country made liquor from the



Truck bearing registration no. WB351034.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced in this case on the basis of secret information. It is also submitted that the petitioner is not apprehended on spot 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. While concluding the argument, it has been submitted that investigation has been completed, for which, 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 recovery of illicit liquor was not made from the physical possession of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor was not made 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 Mahua P.S. Case No. 138 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 Court of Exclusive Special Excise Court
No.-II, Vaishali at Hajipur/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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