

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36499 of 2022

Arising Out of PS. Case No.-108 Year-2022 Thana- JHAJHA District- Jamui

Bhagirath Yadav Son of Late Lochan Yadav R/O Village- Sikardih, P.S.- Jha-
jha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-08-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Jhajha
P.S. Case No. 108 of 2022 registered for the offences under Sec-
tions 30(A)/32 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 10 litres Mahua wine from the house of the peti-
tioner.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the petitioner which is jointly occupied by other family members and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is also submitted that the seizure list is not supported by independent witness, which appears in violation of Section 100(4) of Cr.P.C., as required for the search of house. 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 the recovery was made from the house of the petitioner.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner in the background of the disputed seizure list 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 Jhaja, P.S. Case No. 108 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Jamui/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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