

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37708 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- SALAIYA District- Aurangabad

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Vijay Yadav Son of Late Raksha Yadav R/O Village- Tekka Bigha, P.S.-
Salaiya, District- Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh

For the Opposite Party/s : Mr. Ram Bilash Roy Raman

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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 Salaiya
P.S. Case No. 35 of 2022 registered for the offence under
Sections 30(a), 30(c), and 37 of the Bihar Prohibition and
Excise Act, 2018.

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



custody since 25.05.2022.

The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 7.5 litres of IMFL/country made liquor from the motorcycle bearing registration no. JH0558683.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, recovery of alleged illicit liquor was made from the room of the local school, as per seizure list and, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. 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 made from the room of local school, 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 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 Salaiya P.S. Case No. 35 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 Special Judge Excise-I, Aurangabad/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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