

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37665 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- JAYNAGAR District- Madhubani

Rakesh Kumar Yadav Son of Late Radheshyam Yadav R/O Village-  
Chhaparadhi, Ward No.-02, P.S.- Khajauli, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar, Advocate

For the Opposite Party/s : Mr.Anant Kumar I, APP

**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 Jaynagar  
P.S. Case No. 74 of 2022 registered for the offence under  
Section 414 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 13.03.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 135 litres of IMFL/country made liquor from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the jute bag which is not connected in any manner with the petitioner and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is further submitted that seizure list is not supported by independent witnesses. It is submitted that petitioner is a man of clean antecedent and moreover, 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 seizure list is not supported by independent witnesses.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been 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 Jaynagar P.S. Case No. 74 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 Court, Madhubani/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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