

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37605 of 2022

Arising Out of PS. Case No.-242 Year-2021 Thana- ATRI District- Gaya

Raju Yadav @ Raja Yadav @ Rajadev Yadav Son of Late Nanhak Yadav R/O
Village- Chahal Mundera, P.S.- Atri, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Gulnar Begum, 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 Atri P.S.
Case No. 242 of 2021 registered for the offence under Sections
272 and 273 of the Indian Penal Code and Section 30(a)(d) of
the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 31.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 50 litres of IMFL/country made liquor from an open
place.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of illicit liquor has been made from the open place like bank of river Paimar and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It is submitted that 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 the recovery of illicit liquor was made from an open place.

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 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 Atri P.S. Case No. 242 of 2021 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 Excise Court No. 1, Gaya/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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