

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37706 of 2022

Arising Out of PS. Case No.-27 Year-2022 Thana- CHANAN District- Lakhisarai

Vikash Yadav Son of Late Bhim Yadav R/O Village- Ramgarh Basti, P.S.-
Ramgarh Chauk, District- Lakhisarai 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.Rajendra Nath Jha, 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 Chanan
P.S. Case No. 27 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 24.02.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 15 litres of IMFL/country made liquor from the
dicky of motorcycle.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged motorcycle, from where illicit liquor
was recovered, is not belongs to the petitioner. It is also



submitted that the alleged recovery of illicit liquor was made from the dicky of the motorcycle and, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. It has been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, while opposing the prayer of bail, fairly conceded that the recovery of illicit liquor was made from the dicky of the motorcycle.

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 Chanan P.S. Case No. 27 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 District & Sessions Judge IV-cum-Exclusive Excise Court No. 1, Lakhisarai/concerned court, subject to the conditions as mentioned under Section 437(3) of Cr.P.C.

(Chandra Shekhar Jha, J)

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