

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37703 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- AKBARPUR District- Nawada

1. ASHOK YADAV @ ASHOK KUMAR Son of Kailash Prasad @ Kailash Prasad Yadav Resident of Village - Cheta bigha, Police Station- Akbarpur, District - Nawada.
2. Vicky Kumar @ Vikky Yadav Son of Ram Dev Yadav Resident of Village - Cheta Bigha, Police Station- Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prem Ranjan Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Akbarpur P.S. Case No. 66 of 2021 registered for the offence under Section 30(a) and 30(D) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 30.04.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is total recovery of 600 litres of IMFL/country made liquor kept in drum which was found near the pan of open field.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open field, which is not connect in any manner with petitioner. It is submitted that seizure list prepared thereof is not supported by independent witness, which is in violation of Section 100(4) of Cr.P.C. 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 is made from the open field.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was made from the open field, where seizure list is disputed coupled with the fact that charge-sheet has been submitted, let both the petitioners, above named, are directed to be released on bail in connection with Akbarpur P.S. Case No. 66 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction
of learned Exclusive Special Excise Judge-1st,
Nawada/concerned court, subject to the conditions as mentioned
under Section 437(3)

(Chandra Shekhar Jha, J)

R.S.Sen/-

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