

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39911 of 2022**

Arising Out of PS. Case No.-436 Year-2022 Thana- BARHARA District- Bhojpur

SONU KUMAR YADAV @ SONU YADAV S/o- Singashan Yadav Resident
of Village - Farhada, P.S.- barahara (Sinha O.P.), District - Bhojpur (Arar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak

For the Opposite Party/s : Mr.Jitendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-08-2022 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 Barhara
(Sinha O.P.) P.S. Case No. 436 of 2022 registered for the
offence under 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 13.06.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 15
litres of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery has been made from open place, near local 'dam', as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner, who is otherwise, a man of clean antecedent.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Barhara (Sinha O.P.) P.S. Case No. 436 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 Exclusive Special Excise Court No. 1, Bhojpur, Ara/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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