

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39455 of 2022

Arising Out of PS. Case No.-76 Year-2020 Thana- BALIYA District- Begusarai

Satish Yadav Son of Ram Swarup Yadav Resident of Danauli, Phulwaria, P.S.-
Balial, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.Mukeshwar Dayal

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 Balial P.S.
Case No. 76 of 2020 registered for the offence under Sections
272 and 273 of the Indian Penal Code and under Sections 30(a),
32, 37(b) and 37(c) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.04.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 57.600 litres of IMFL/country made liquor from the



house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of the petitioner which is jointly occupied by other family members. It is submitted that entire recovery is doubtful and seizure list is not supported by independent witnesses, which appears to be in violation of Section 100 (4) of the Cr.P.C. It is also submitted that the seizure list does not bear the signature of the petitioner which is sufficient to gather that the recovery was not made from the physical possession of the petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the alleged recovery of illicit liquor was not 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 Balia P.S.



Case No. 76 of 2020 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 Excise Judge-II,
Begusarai/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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