

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40559 of 2022**

Arising Out of PS. Case No.-403 Year-2021 Thana- NAWADA District- Nawada

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Kaushal Yadav Son of Sharwan Yadav Resident of Village - Khemchanbiga,  
P.s.- Nawada, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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

2      23-08-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned APP 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 Nawada  
  
(Town) P.S. Case No. 403 of 2021 registered for the offence  
  
under Sections 30(a)(d)(g), 33, 41 and 52 of the Excise Act.

The accused/petitioner is not named in the F.I.R. and  
  
is in custody since 06.04.2022.

The allegation against the petitioner is to involve in  
  
the illegal business of illicit liquor, where 400 ml of country  
  
made liquor, 15 liters of spirit and packing machine were  
  
recovered.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Arvind Yadav, who has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 72533 of 2021 dated 30.05.2022, in furtherance of which, nothing incriminating surfaced, which may connect the petitioner with the alleged recovery/manufacturing activities. It is further submitted that petitioner involved in this case only due to his criminal antecedents, as he is involved in 21 more criminal cases but in most of the cases, name of the petitioner surfaced on the basis of confessional statement, as of the present case. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that this is not a case of recovery of illicit liquor from the physical possession of the petitioner.

In view of the facts and circumstances, as mentioned above, as recovery cannot be said to be made from the conscious physical possession of the petitioner coupled with the



fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nawada (Town) P.S. Case No. 403 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 Additional District and Sessions Judge-II-cum-Special Judge, Nawada/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

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