

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41293 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- GOPALPUR District- Bhagalpur

Malori Yadav @ Mallori Yadav @ Manohar Yadav @ Manohar Son of
Kokchi Yadav @ Vishambhar Yadav Resident of Village - Tintanga Karari,
P.S. - Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 21-09-2022 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 Gopalpur
P.S. Case No. 471 of 2021 registered for the offence under
Sections 30(a), 45 and 52 of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 18.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 2 litres of illicit IMFL /country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that alleged recovery of country made liquor was made behind the house of petitioner, which is an open place and accessible by general public and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor is made from an open place 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 Gopalpur P.S. Case No. 471 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 Special Excise Judge-I, Bhagalpur/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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