

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40571 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Pramod Yadav Son of Late Mukti Prasad Yadav Resident of Village - Sara
Mohanpur, Ward No.- 7, P.S.- Sadar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Advocate
For the Opposite Party/s : Ms. Rita Verma, 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.

At the outset, learned counsel for the petitioner
submitted that at page no.5, in paragraph no.11 of the bail
petition, inadvertently, date of custody has been wrongly typed
as '11.06.20222' instead of '11.06.2022'.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction during the course of the
day itself.

The petitioner seeks bail in connection with Excise
Case No. 138 of 2022 registered for the offence under Section



30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 11.06.2022.

The allegation against the petitioner is to have in possession of 144 liters of illicit liquor, which was recovered from a shanty kind house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the house of the petitioner, which was accessible by family members, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner, who is otherwise a man of clean antecedent. While concluding the argument, it is, categorically, 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 opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner, who is a man of clean antecedent 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 Excise Case No. 138 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 Special Judge-1 (Excise Act), Darbhanga/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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