

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41958 of 2022**

Arising Out of PS. Case No.-66 Year-2022 Thana- HASANPUR District- Samastipur

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GANESH YADAV S/o Rajendra Yadav R/o village- Telni (Telani), P.S.-
Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-08-2022 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 Hasanpur
P.S. Case No. 66 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018
subsequently charge-sheet has been filed under Section 30(a),
32(iii) and 41(i)(ii) of the Bihar Prohibition and Excise
Amendment Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.03.2022.

The allegation against the petitioner is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there is recovery of 1755.360 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from the different vehicles as from Bolero Car and alto car and also from open land. It is submitted that the alleged vehicle were jointly occupied at the time of recovery, from where illicit liquor was recovered. It is also submitted that the petitioner, engaged as a labour, to unload the consignment from Bolero and have no knowledge about illicit liquor. It has been submitted that investigation is complete, where charge-sheet has been submitted.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner 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 Hasanpur P.S. Case No. 66 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 Excise



Court-1st, Samastipur/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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