

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40750 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- SAHARGHAT District- Madhubani

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Siya Sharan Yadav Son of Ram Prasad Yadav Resident of Village -
Mukhiyapatti, P.S. Phulgama, District - Dhanusha (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Udeshya Kr. Yadav, Advocate
For the State	:	Mr. Chandra Sen Pd. Singh, 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 Saharghat
P.S. Case No. 60 of 2022 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and 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 07.04.2022.

The allegation against the petitioner is to have in possession of 90 liters of Nepali liquor.

Learned counsel appearing on behalf of the petitioner submitted that nothing surfaced during the course of investigation, which may suggest that petitioner was aware of the illicit liquor kept in the bag, as he was merely engaged as a labour to carry the alleged bag. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 Saharghat



P.S. Case No. 60 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 Additional Sessions Judge-II-
cum-Special Judge, Excise Act, Madhubani/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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