

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43674 of 2022

Arising Out of PS. Case No.-11 Year-2020 Thana- ARA MUFFSIL District- Bhojpur

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SUNIL YADAV @ SUNIL KUMAR Son of Shivji Yadav Resident of Village
- (Kaushik) Dularpur, P.s.- Ara Mufassil, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Ms.Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-09-2022 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 Ara
Mufassil P.S. Case No. 11 of 2020 registered for the offence
under Sections 147, 148, 149, 323, 324, 325, 341, 342, 353,
333, 354, 337, 338, 379, 427 and 307 of the Indian Penal Code,
under Section 30(a)/45 of the Bihar Prohibition and Excise Act,
2018 and under Section 25(1-AB) Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 14.06.2022.

The allegation against the petitioner is to shouting
slogans and pelting stones along with several unknown



villagers/co-accused persons on the members of lady police party, arrived in village in connection with raid conducted on the basis of secret input, where two tempo were found parked in front of the house of this petitioner having illicit liquor.

Learned counsel appearing on behalf of the petitioner submitted that allegation against the petitioner, as regard to assault, is very much general and omnibus, as such, it cannot be said that petitioner was under intention to cause death. It is submitted that alleged recovery of illicit liquor was made from public place, which is accessible by general public, as such, it cannot be said to be recovered from conscious physical possession of the petitioner. It is further submitted that seizure list is disputed, as same is supported by police personnel. It is also submitted that similarly situated co-accused person has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 27903 of 2020 vide order dated 19.02.2021.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as allegation against this petitioner, as regard to assault, is very much general and omnibus coupled with the fact that recovery of alleged illicit liquor not appears to be made from



conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Ara Mufassil P.S. Case No. 11 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No-I, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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