

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44420 of 2022**

Arising Out of PS. Case No.-253 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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Suresh Yadav Son of Upendra Yadav @ Upendra Prasad Yadav R/O
Bhagwani, Ward No. 01, P.S.- Ghailarh And Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Advocate
For the State : Mr. Anil Kumar Singh No.1, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 07-09-2022 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 Excise
P.S. Case No. 253 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 20.06.2022.

The allegation against the petitioner is to have in possession of 23 liters of Wiscof cough syrup.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of cough syrup was made from the fodder house, which was accessibly by general public, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. 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 Excise P.S. Case No. 253 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 In-charge Additional Sessions Judge-IV-cum-Special Judge, Excise, Madhepura/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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