

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44432 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- KHUTAUNA District- Madhubani

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Ram Bharosh Yadav Son of Boye Lal Yadav @ Late Boyelal Yadav Resident
of Village - Kushmar, Goth Tola, P.s.- Khutauna, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Ms. Rita Verma, 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 Khutauna
of P.S. Case No. 32 of 2022 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and 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 10.05.2022.

The allegation against the petitioner is to have in possession of 97.290 liters of illicit liquor, which was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the house of the petitioner, which was jointly occupied by other family members, 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 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 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 Khutauna P.S. Case No. 32 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 Excise Act, Jhanjharpur,
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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