

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.45056 of 2022**

Arising Out of PS. Case No.-81 Year-2022 Thana- AANDAR District- Siwan

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OSHIHAR YADAV SON OF JALESHWAR YADAV R/O VILLAGE-  
BHAVRAJPUR, P.S.- AANDAR, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Kumari Anupam, Advocate

For the Opposite Party/s : Md. Nazir Ansari, APP

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

2      09-09-2022                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned counsel appearing on behalf of the State  
  
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with Aandar  
P.S. Case No. 81 of 2022 registered for the offence under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 23.06.2022.

The allegation against the petitioner is to be engaged  
in illegal trading/manufacturing of illicit liquor, where, there is  
recovery of 618.400 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made from open cow shed in front of the house of the petitioner, which is accessible by other family members and general public also, and such it cannot be said that alleged recovery was made from the conscious physical possession of the petitioner. It is submitted that seizure list appears disputed, as same is not supported by independent witnesses, rather by home-guard personnel.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was not made from the conscious physical possession of the petitioner coupled with the fact that seizure list appears disputed, let the petitioner, above named, is directed to be released on bail in connection with Aandar P.S. Case No. 81 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 Exclusive Excise Court No.1, Siwan/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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