

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51905 of 2022**

Arising Out of PS. Case No.-547 Year-2021 Thana- GOPALPUR District- Bhagalpur

Mallori Yadav @ Manohar Yadav @ Malori Yadav S/o Kokyee Yadav @
Kokchi Yadav @ Vishambhar Yadav Resident of Village- Tintanga Karari,
P.S.- Gopalpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

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

2 13-10-2022 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 Gopalpur
P.S. Case No. 547 of 2021 registered for the offence under
Section 30(a) (b) (c) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 35 litres of illicit IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor along with utensils and other items to be used for manufacturing purposes was made from an open place, which is accessible by general public and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that name of petitioner surfaced on the basis of secret input as provided by local Chaukidars, where nothing incriminating recovered from physical possession during the course of investigation to connect petitioner with present set of recovery. While concluding the argument, it has been submitted that investigation of this case has been completed, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor along with utensils was made from an open place coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Gopalpur P.S. Case No. 547 of 2021 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 Excise Judge-I,
Bhagalpur/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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