

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51492 of 2022**

Arising Out of PS. Case No.-473 Year-2019 Thana- DEHRI TOWN District- Rohtas

Sudhir Kumar Yadav @ Sudhir Singh @ Sudhir Kumar Son of Raja singh
Resident of vill.- Sakhara, P.S. Dehri, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

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

2 11-10-2022 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 Dehri
Town P.S. Case No. 473 of 2019 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 24.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 406.080 litres of illicit IMFL/country made
liquor.

Learned counsel Shri Rajanikant, while arguing on



behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from boring area belongs to petitioner, which is an open place accessible by general public and as such it cannot be said that alleged recovery was made from conscious physical possession of this petitioner. It is further submitted that seizure list also appears disputed for the reason that same is not supported by independent witnesses, rather by Bihar home guard personnels. It is also pointed out that petitioner is a man of clean antecedent and moreover, 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, while opposing the prayer of bail fairly conceded the fact that seizure list is supported by Bihar home guard personnels.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears from conscious physical possession of this petitioner 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 Dehri Town P.S. Case No. 473 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge-2nd cum Special Judge, Excise-1, Rohtas at
Sasaram/concerned Court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

