

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53014 of 2022

Arising Out of PS. Case No.-259 Year-2021 Thana- BARHARA District- Bhojpur

Indal Yadav Son of Late Kishun Yadav Resident of Village - Gundi, P.S.-
Krishnagarh (Barahara), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 15-10-2022 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 Barhara
(Krishnagarh) P.S. Case No. 259 of 2021 registered for the
offence under Sections 30(a) and 36 of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 65 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that name of the petitioner surfaced, in the present



case, on the basis of secret police input, where admittedly, no alleged illicit liquor was recovered from the conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful, being not supported by independent witnesses rather by local chowkidars.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list appears doubtful, being not supported by independent witnesses, where recovery of illicit liquor not appears from the conscious physical possession of this petitioner, let the petitioner, above named, is directed to be released on bail in connection with Barhara (Krishnagarh) P.S. Case No. 259 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 Exclusive Special Court No. 1st, Bhojpur at Ara/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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