

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61019 of 2022

Arising Out of PS. Case No.-84 Year-2022 Thana- KHAJAULI District- Madhubani

Sunil Yadav Son of Late Ram Sewak Yadav Resident of Village- Dewna, P.S.- Sakatpur, District- Darbhanga At present Village- Chaudharana, Ward No. 11, P.S.-Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Saroj Kumar, Advocate
For the State	:	Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 26-11-2022 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 Khajauli P.S. Case No. 84 of 2022 registered for the offence under Sections 27 and 273 of the Indian Penal Code and 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 24.05.2022.

The allegation against the petitioner is to have in



possession of 171 liters of illicit Nepali liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was the driver of the alleged pick-up van from which recovery of illicit liquor was made, where nothing surfaced during the course of investigation, which may suggest that petitioner was aware of the illegal consignment of illicit liquor and, as such, it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. 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 not appears to be made from conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Khajauli P.S. Case No. 84 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, 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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