

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55412 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

1. SHESH NATH YADAV Son of Brahmadeo Yadav @ Brahmdev Yadab R/V- Sahpur Belwa, P.S- Rampur, Karkhana, Dist- Dewariya (U.P)
2. Dilip Yadav Son of Sri Bihari Yadav R/V- Malavabad, P.S- Baghauch Ghat, Dist- Dewariya (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-10-2022 Heard learned counsel appearing on behalf of the petitioners 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 petitioners seek bail in connection with Mahammadpur P.S. Case No. 191 of 2022 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and in custody since 15.08.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 293.16 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioners have falsely been implicated in this case, where petitioner no.1 is only being the registered owner of the alleged vehicle whereas petitioner no.2 is a passenger who took a lift for a local destination, admittedly, it is not a case of recovery of alleged illicit liquor from the conscious physical possession of both the petitioners, who are men of clean antecedent. While concluding the argument, it is submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

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 petitioners, who are men of clean antecedent 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 Mahammadpur P.S. Case No. 191 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Court-I, Gopalganj/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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