

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56062 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- MUFFASIL District- Aurangabad

CHHOTU YADAV Son of Late Dash Yadav at present R/V- Chatara, P.S-
Feshar, Dist- Aurangabad and Temporarily R/V- Dabura Kala, P.S- Muffasil,
Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 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
Aurangabad (Muffasil) P.S. Case No. 62 of 2021 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 12.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there



was recovery of 84.4 litres of IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that recovery of alleged illicit liquor was made from an open field which is accessible by general public and, as such it cannot be said that recovery of alleged illicit liquor was made from the conscious physical possession of this petitioner, who is a man of clean antecedent. It is further submitted that seizure list appears doubtful, being not supported by independent witnesses rather by police personnels. 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 illicit liquor was made from an open field, not from the conscious physical possession of the petitioner, who is a man of clean antecedent, coupled with the fact that charge-sheet has been submitted where seizure list appears doubtful, let the petitioner, above named, is directed to be released on bail in connection with Aurangabad (Muffasil) P.S. Case No. 62 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 Judge Excise Court,
First, Aurangabad/concerned court, subject to the conditions as
mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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

