

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57325 of 2022

Arising Out of PS. Case No.-221 Year-2022 Thana- LAUKAHA District- Madhubani

Rambalak Yadav Son of Suryanarayan Yadav @ Surya Narayan Yadav
Resident of Village - Birpur, (Harpatti), P.S.- Lalmania O.P., District -
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-11-2022 At the outset, learned counsel for the petitioner submitted that in the prayer portion, at page no.4, of the bail petition, inadvertently, name of police station has been wrongly typed as 'Jaynagar' instead of 'Lukha (Lalmaniya)'.

Accordingly, learned counsel for the petitioner is permitted to make necessary correction during the course of the day itself.

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 Laukha (Lalmaniya) P.S. Case No. 221 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 08.08.2022.

The allegation against the petitioner is to have in possession of 78 liters of illicit Nepali wine.

Learned counsel appearing on behalf of the petitioner submitted that the seizure list does not bears the signature of the petitioner, is clearly indicative of the fact that the alleged recovery was not made from the conscious physical possession of the petitioner. It is further pointed out that the seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, 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 not appears to be made from the conscious physical possession of the petitioner in the background of disputed seizure list coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Laukha (Lalmaniya) P.S. Case No. 221 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 Special Judge, Excise Act, Jhanjharpur, Madhubani/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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