

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57894 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- JAYNAGAR District- Madhubani

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MANOJ KUMAR YADAV @ MANOJ YADAV Son of Balram Yadav
Resident of Village- Khairamath, P.S.-Jaynagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 18-11-2022 Heard learned counsel appearing on behalf of the

petitioner 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 petitioner seeks bail in connection with Jaynagar
P.S. Case No.261 of 2022 registered for the offence under
Section 414 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 08.08.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 108
litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from open place as orchard, which is accessible by general public, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is further submitted that seizure list is doubtful being not supported by independent witnesses, rather same is by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposed the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No.261 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 mentioned under section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

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