

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69068 of 2021

Arising Out of PS. Case No.-428 Year-2021 Thana- BHORE District- Gopalganj

SHAMBHU KUMAR YADAV Son of Late Dinanath Yadav Resident of
Village - Kalyanpur, Panditaha, P.S.- Bhorey, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Bhorey Police Station Case No. 428 of 2021, registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, on the basis of the secret information
that the petitioner is indulged in the sell of illicit liquor, raided
the house of the petitioner and recovered 66 litres of illicit
country-made liquor from the bush, situated in the back side of
the house of the petitioner.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case with oblique



motive and he has not committed any offence in the manner alleged. He further submits that nothing has been recovered from the conscious possession and/or premises belonging to the petitioner and the recovery of illicit liquor was made from the bush situated in the backside of the house of the petitioner, which is an open space and is accessible to all and sundry. He further submits that the petitioner is in custody since 05.10.2021, having no criminal antecedent, and charge sheet has already been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that illicit liquor has not been recovered from the conscious possession and/or premises belonging to the petitioner, charge sheet has already been submitted and the petitioner is in custody since 05.10.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned 2nd Additional Sessions Judge -cum-
Special Judge, Excise, Gopalganj, in connection with Bhorey
Police Station Case No. 428 of 2021.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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