

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62943 of 2022**

Arising Out of PS. Case No.-352 Year-2021 Thana- RAJAOLI District- Nawada

Alakhdeo Yadav @ Gumani Yadav Son Of Govind Yadav @ Govind Prasad
Resident of village- Bharra, P.S- Rajauli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar The Advocate General, Patna High Court, Patna, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 09-12-2022 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 Rajauli P.S.
Case No. 352 of 2021 registered for the offence under Sections 30(a)
(d), 37(c) and 41 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.07.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 100 litres of IMFL/country made liquor from the bank of river.

Learned counsel appearing on behalf of the petitioner
submitted that the alleged recovery was made from the bank of river,



which is accessible by general public and, as such, it cannot be said that recovery was made from the conscious physical possession of this petitioner. It is further submitted that seizure list appears doubtful being not supported by independent witnesses, rather by local chaukidar. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place, in the background of doubtful seizure list 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 Rajauli P.S. Case No. 352 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 Exclusive Special Excise Court-2, Nawada/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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