

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61368 of 2022**

Arising Out of PS. Case No.-441 Year-2022 Thana- NAUTAN District- West Champaran

Upendra Yadav Son of Baidhnath Yadav R/V- Bariyarpur, P.S- Nautan, Dist-
West champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State
through virtual Court proceedings.

The petitioner seeks bail in connection with Nautan P.S.
Case No.441 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.

The accused/petitioner is named in the F.I.R. and is in
custody since 19.08.2022.



The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 287.825 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not connected in any manner with the alleged vehicle, from where the illicit liquor was recovered. It is submitted that passenger took a lift for a local destination, where nothing surfaced during the course of investigation, that he was under knowledge of illicit liquor. While concluding the argument, it is submitted that 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, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as the recovery of illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has been submitted, let above named petitioner directed to be released on bail in connection with Nautan P.S. Case No.441 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 Exclusive Special



Judge, Excise, West Champaran, Bettiah/concerned court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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