

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63540 of 2022**

Arising Out of PS. Case No.-246 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Buxar

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Sudhir Yadav @ Sudhir Kumar Yadav S/O Rajdev Yadav Resident of village-
Majharia, P.S.- Buxar (Ind.), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma
For the Opposite Party/s : Mr.Madan Kumar

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

2 02-12-2022 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 Official
Complaint Case No. 246(O)/2019 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The accused/petitioner is in custody since 29.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 22.320 litres of illicit IMFL/country made



liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is not the driver of the alleged motorcycle and, as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that seizure list is not supported by independent witnesses, rather by police personnels.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as petitioner is in custody since 29.07.2022 in the background of doubtful seizure list being not supported by independent witnesses, let the petitioner, above named, is directed to be released on bail in connection with Official Complaint Case No. 246(O)/2019 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 Court No.2, Buxar/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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