

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59339 of 2022

Arising Out of PS. Case No.-477 Year-2021 Thana- RAJAOLI District- Nawada

Sanjay Yadav S/o Munshi Yadav R/o - Sakin- Mohkama, P.S.- Rajauli, Distt-
Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indradeo Prasad, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Rajaoli
P.S. Case No. 447 of 2021 registered for the offence under
Sections 30(a)(d) 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 08.06.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 130 litres of IMFL/country made liquor from an
open place.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor, alongwith utensils, were recovered from an open place of the forest, which is accessible by general public and, as such, it can be safely gathered that recovery of illicit liquor and alleged utensils used for manufacturing activities, cannot be said to be recovered from conscious physical possession of this petitioner. It is further submitted that the petitioner implicated in present case only on the basis of suspicion, as raised by local chaukidar only for the reason that he involved in 5 more criminal cases, having otherwise no bearing over the merit of the present case. 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, alongwith utensils was made from an open place 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 Rajaoli P.S. Case No. 477 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 Special Judge, Nawada (Excise-II)/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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