

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62941 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- KHAJAULI District- Madhubani

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Sohan Yadav @ Sohan Kumar Yadav S/O Visheshwar Yadav Resident of
Village- Chhapardhi, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ravi Prakash, Advocate
For the State	:	Mr. Asha Devi, APP

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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 APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Khajauli P.S. Case No.31 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 05.09.2022.

The allegation against the petitioner is to in illegal trading of illicit liquor, where, there was recovery of 430.50



litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from Sumo Victa (four wheeler vehicle), which was parked in abandoned Mango orchard of one, Laxmi Yadav, where the name of petitioner surfaced, merely on the basis of suspicion as raised by local chowkidars, where nothing surfaced during the course of investigation to connect this petitioner with the said suspicion as raised through F.I.R. It is also submitted that admittedly, no recovery of illicit liquor was made from the physical possession of the petitioner. It is also submitted that name of petitioner surfaced in the present case, due to his criminal antecedent as he is found involved in ten more criminal cases, where in maximum of the cases his name surfaced on the basis of confessional statement or on the basis of suspicion as of present case. 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 recovery of illicit liquor not appears to be made from the 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 Khajauli P.S. Case No.31 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/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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