

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62959 of 2022

Arising Out of PS. Case No.-330 Year-2022 Thana- SONO District- Jamui

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Dhananjay Kumar Yadav Son of Kedar Yadav R/V- Kumhardih, P.S-
Govindpur, Dist- Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Manoj Kumar, APP

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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 Sono P.S.

Case No. 330 of 2022 registered for the offence under Sections 30(a)

of the Bihar Prohibition and Excise Act, 2018 and under Section 272

and 273 of the Indian Penal Code.

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

custody since 11.10.2022.

The allegation against the petitioner is to be engaged in

illegal trading/manufacturing of illicit liquor, where, there is recovery

of 360 litres of IMFL/country made liquor from the alleged tempo.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery was made from public carrier like tempo, which is accessible by general public at large and, as such, it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of this petitioner, who is a man of clean antecedent. 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 not appears to be made from the conscious physical possession of this petitioner 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 Sono P.S. Case No. 330 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 Special Judge Excise-II, Jamui/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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