

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62326 of 2022**

Arising Out of PS. Case No.-400 Year-2022 Thana- KOILWAR District- Bhojpur

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Mantu Yadav Son of Late Gariba Yadav R/O Majauwan, P.S.- Ara Nagar,
Distt.- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the State : Mr. Sanjay Kumar, 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.

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

The petitioner seeks bail in connection with Koilwar
P.S. Case No. 400 of 2022 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

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



custody since 23.06.2022.

The allegation against the petitioner is to have in possession of 225 liters of *Mahua* liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was apprehended while running away from the place of recovery and, admittedly, recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnel. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as seizure list appears doubtful being not supported by independent witnesses rather by police personnel, where petitioner is a man of clean antecedent coupled with the fact that chargesheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Koilwar P.S. Case No. 400 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 Excise, Court No.2, Bhojpur, Ara/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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