

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64678 of 2022**

Arising Out of PS. Case No.-388 Year-2022 Thana- BARUN District- Aurangabad

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Jitendra Singh @ Jitendra Yadav Son of Ramchandra Yadav @ Darman Yadav
Resident of Village- Dhamni, P.S.- Barun, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Chandra Bhaskar, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore(APP100)

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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 BARun P.S.

Case No. 388 of 2022 registered for the offence under Sections 30(a)

and (c) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in

custody since 20.09.2022.

The allegation against the petitioner is to be engaged in

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

of 480 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner was implicated in this case only for the



reason that he was the owner of the motorcycle, where admittedly, recovery was not made from his physical possession. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. 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 Barun P.S. Case No. 388 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 Court of Special Judge-I, Aurangabad/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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