

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65425 of 2022

Arising Out of PS. Case No.-479 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. Chunnu Yadav Son of Nageshwar Yadav Resident of village - Masarh Tola, Police Station - Udwant Nagar, District - Bhojpur.
2. Laljee Yadav @ Lalji Yadav Son of Nageshwar Yadav Resident of village - Masarh Tola, Police Station - Udwant Nagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 30-11-2022 Heard learned counsel appearing on behalf of the
petitioners 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 petitioners seek bail in connection with Udwant
Nagar (Gajrajganj) P.S. Case No. 479 of 2020 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioners are named in the F.I.R., where
petitioner no. 1 is in custody since 12.07.2022 and petitioner no.
2 is in custody since 15.09.2022.

The allegation against the petitioners is to be engaged



in illegal trading/manufacturing of illicit liquor, where, there was recovery of 100 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from Brahmsthan of village, which is accessible by general public and as such it can be safely gathered that recovery of illicit liquor was not made from the conscious physical possession of these petitioners. It is further submitted that seizure list is not supported by independent witnesses, rather by police personnels, creating a doubt over entire seizure. It is also submitted that petitioner no. 1 involved in one more criminal case, whereas petitioner no. 2 involved in four more criminal cases of similar nature, where they are on bail. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of these petitioners coupled with the fact that charge-sheet has been submitted, let both the



petitioners, above named, are directed to be released on bail in connection with Udwant Nagar (Gajrajganj) P.S. Case No. 479 of 2020 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-II, Bhojpur at Ara/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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