

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66017 of 2022

Arising Out of PS. Case No.-96 Year-2022 Thana- KHAJAULI District- Madhubani

Shankar Kumar Yadav S/o Late Manoj Yadav R/v- Kathalbari Ward No. 15,
P.S.- University, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 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 Khajauli P.S.
Case No. 96 of 2022 registered for the offence under Section 30(a) of
the Bihar Prohibition and Excise Act, 2018 and under Sections 272
and 273 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 07.06.2022.

The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 162 litres of IMFL/country made liquor from the alleged vehicle.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner was the driver of the alleged vehicle from where illicit liquor was recovered, where nothing surfaced during the course of investigation, which may suggest that he was under knowledge to carry present consignment of illicit liquor. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, 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, who is a man of clean antecedent 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 Khajauli P.S. Case No. 96 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)

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