

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66027 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- KHAJAULI District- Madhubani

Sanjay Mukhiya S/O Shiv Nandan Mukhiya R/O Village- Korahiya, P.S- Jay-nagar, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67464 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- KHAJAULI District- Madhubani

Chandrabeer Yadav @ Chandravir Yadav son of late thakai @ rajeshwar yadav resident of village - korhiya nawtole ward no.- 6, P.S.- Jainagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66027 of 2022)

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 67464 of 2022)

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Nand Kumar, 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 APP appearing on behalf of the State through virtual Court proceedings.

The petitioner seeks bail in connection with Khajauli P.S. Case No.50 of 2022 registered for the offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



The accused/petitioner is named in the F.I.R. and is in custody since 21.08.2022.

The allegation against the petitioner is to be in illegal possession of illicit liquor, where, there was recovery of 414 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in this case, merely, on the basis of suspicion as he was passer-by from where recovery of alleged illicit liquor was made. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

In view of the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from conscious physical possession of the petitioner coupled with the fact that chargesheet has already submitted, let above named petitioner directed to be released on bail in connection with Khajauli P.S. Case No.50 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, Special Judge, Excise Act, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

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(Chandra Shekhar Jha, J)

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