

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67262 of 2022**

Arising Out of PS. Case No.-315 Year-2022 Thana- HARLAKHI District- Madhubani

Arodh Kumar S/O Mahanand Yadav Resident of village- Gangaur, P.S.-
Harlakhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

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 Harlakhi
P.S. Case No. 315 of 2022 registered for the offences under
Sections 272, 273/34 of the Indian Penal Code and 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 09.10.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there is recovery of 180
litres of illicit liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery was made from jointly occupied motorcycle, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It is also pointed out that seizure list is doubtful being not supported by independent witnesses, rather by police personnels.

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

Considering the facts and circumstances as mentioned above, as seizure list is doubtful being not supported by independent witnesses, let the petitioner, above named, is directed to be released on bail in connection with Harlaxhi P.S. Case No. 315 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, Madhubani/concerned court, subject to the conditions, as mentioned under Section 437(3) of the Cr.P.C., with further condition:

“That Accused/Petitioner shall cooperate
in the trial and shall be physically present on each
and every date before the Trial Court till conclusion



of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the document.”

(Chandra Shekhar Jha, J)

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