

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40203 of 2023**

Arising Out of PS. Case No.-91 Year-2023 Thana- CHAKAND District- Gaya

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Sachin Kumar @ Sachin Yadav @ Pinku Yadav @ Sachin @ Pinku Kumar
Yadav Son of Indradeo Prasad @ Indradeo Yadav R/O Village - Naugarh,
P.S.- Chakand, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate

Mr. Akash Deep, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-07-2023 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Chakand
P.S. Case No. 91 of 2023 registered for the offence under
Sections 467, 468, 471, 120B of the Bihar Prohibition and
Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 20.04.2023.

The allegation against the petitioner is to have in
possession of 1599.75 litres of foreign liquor and 2207 litres of
beer alongwith other co-accused persons and also involved in



illegal trade thereof.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from pumping set of Anil Singh, who is not an accused in this case. It is submitted that from the seizure list, it can be said safely that alleged recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is also pointed out that similarly situated co-accused, namely, Anil Yadav @ Anil Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 35361 of 2023 dated 14.06.2023. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and, moreover, investigation of this case is 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 alleged illicit liquor not appears to be recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023, accordingly, petitioner



above named, is directed to be released on bail in connection with Chakand P.S. Case No. 91 of 2023 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 No. 1, Gaya/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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