

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40796 of 2023

Arising Out of PS. Case No.-171 Year-2023 Thana- MIRGANJ District- Gopalganj

1. Vicky Yadav @ Harendra Yadav @ Harendar Kumar Son of Ramekbal Yadav Resident of Village - Chainpur, Bhuidhara, P.S.- Hathua, District - Gopalganj.
2. Sunil Kumar Yadav Son of Swaminath Chaudhary Resident of village - Bigahi Jagdish P.S.- Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 19-07-2023 1. Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.
2. Let the defect(s), if any, be removed within a period of four weeks from today.
3. The petitioners seek bail in connection with Mirganj P.S. Case No. 171 of 2023 registered for the offence under Section 414 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.
4. The accused/petitioners are named in the F.I.R. and are in custody since 12.05.2023.
5. The allegation against the petitioners is to be



engaged in illegal trading/manufacturing of illicit liquor, where there is total recovery of 179.600 litres of IMFL/country made liquor, where recovery from petitioner no. 1 shown as 90 litres and recovery from petitioner no. 2 shown as 89.600 litres.

6. Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor not appears to be made from conscious physical possession of petitioners as they are not the owner of the alleged motorcycles, which were used for carrying illicit liquor. While concluding the argument, it has been submitted that petitioner no. 1 found involved in one more criminal case, where he is on bail and petitioner no. 2 is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of petitioners coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 12.05.2023, accordingly, both above named petitioners are directed to be



released on bail in connection with Mirganj P.S. Case No. 171 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV-cum-Exclusive Special Excise Court-II, Gopalganj, District-Gopalganj/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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