

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44024 of 2023

Arising Out of PS. Case No.-86 Year-2020 Thana- SINDHIYA District- Samastipur

MANGNU YADAV Son of Late Jhotan Yadav Resident of village - Aakopur,
P.S. - Singhiya, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf of
the parties.

2. The petitioner seeks bail in connection with
Singhiya P.S. Case No.86 of 2020 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 21.04.2023.

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

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor was
made from fodder house (*Bhusaghar*), which is an open place and
accessible by other family members and as such, it cannot be said
that alleged recovery of illicit liquor was made from conscious



physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 21.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Singhiya P.S. Case No.86 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Court No.1, Samastipur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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