

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41387 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- JHAJHA District- Jamui

SUNIL KUMAR YADAV Son of Kangres Yadav Resident of Village -
Karhara, P.S. - Jhajha, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanju Singh, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 198 of 2023 registered for the offence under
Sections 30(a) and 32 of the Bihar Prohibition and Excise Act,
2018 and under Sections 25(1-b)a, 26(i) and 35 of the Arms Act.

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

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 13.875 litres of foreign liquor made from
alleged motorcycle bearing registration no. BR46M6777 and
further to have in possession of one country-made pistol
alongwith two live cartridges.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor not made from this petitioner rather from co-accused persons, whereas the implication of this petitioner is only for the reason that he was found in possession of one country-made loaded pistol with two live cartridges. It is submitted that alleged firearm was shown recovered from possession of this petitioner as only to aggravate the allegation. It is submitted that seizure list of firearm also appearing doubtful, being not supported by independent witnesses rather by police personnels. While concluding the argument, it has been submitted that petitioner 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as seizure list not supported by independent witnesses rather by police personnels coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 20.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Jhajha P.S.



Case No. 198 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 Exclusive Excise
Judge-1, Jamui/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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