

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41645 of 2023**

Arising Out of PS. Case No.-44 Year-2023 Thana- BHAIKAVSHTHAN District- Madhubani

Ganga Prasad Yadav Son Of Ram Lakhan Yadav Resident Of Village-  
Siswabarhi, Ps- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, 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. Let the defect(s), if any, be removed within a period  
of four weeks from today.

3. The petitioner seeks bail in connection with  
Bhairavsthan P.S. Case No. 44 of 2023 registered for the offence  
under Sections 272 and 273 of the Indian Penal Code and under  
Section 30(a) and 41 of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is  
in custody since 01.04.2023.

5. The allegation against the petitioner is to be  
engaged in illegal trading/manufacturing of illicit liquor, where,  
there is recovery of 2410.560 litres of IMFL/country made  
liquor from Swift Dezire vehicle bearing registration no.



WB06G7616.

6. Learned counsel appearing on behalf of the petitioner submitted that implication of petitioner is only for the reason that he was the driver of alleged vehicle i.e., Swift Deziere car which was jointly occupied by other co-accused persons from where alleged recovery of illicit liquor was made and it can be said safely that recovery of alleged illicit liquor not appears to be made from conscious physical possession of this petitioner. 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.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above, as recovery of alleged 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 01.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Bhairavsthan P.S. Case No. 44 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 Special Judge Excise Act, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

pooja/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

