

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 44717 of 2023

Arising Out of PS. Case No.-242 Year-2021 Thana- ATRI District- Gaya

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Gauri Shankar Yadav @ Gauri Shankar @ Vidyarthi @ Vidyarthi Yadav S/O
Late Lila Yadav R/O Village- Chahal Mudera, Ps. Atri, Dist. Gaya

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-08-2023 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 Atri
P.S. Case No. 242 of 2021 registered for the offence under
Sections 30(a)(d) of the Bihar Prohibition and Excise
(Amendment) Act, 2018 and Sections 272 and 273 of the Indian
Penal Code.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 22.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 50 litres of IMFL/country made liquor from



the bank of Paimar river.

6. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the bank of Paimar river, which is an open place and accessible by general public and it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. It is further submitted that name of petitioner surfaced during the course of investigation on the basis of suspicion as raised by local Chaukidar, where one of the reason for implication of this petitioner is also the suspicion arises out of his criminal antecedents, as he found involved in 6 more criminal cases, where he is on bail in four cases, 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.

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 the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.05.2023,



accordingly, petitioner above named, is directed to be released on bail in connection with Atri P.S. Case No. 242 of 2021 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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