

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44005 of 2023**

Arising Out of PS. Case No.-147 Year-2023 Thana- JAYNAGAR District- Madhubani

PANKAJ YADAV S/O RAMSHOBIT YADAV R/O VILLAGE- PARSAHI,
PS. JAYNAGAR, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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 Jaynagar P.S. Case No. 147 of 2023 registered for the offence under Sections 272, 273 and 414 of the Indian Penal Code and 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 11.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 225 litres of illicit liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from mango orchard, which is an open place and accessible to general public and as such, it cannot be said that alleged recovery 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 11.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No. 147 of 2023, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge,



Excise Act, Madhubani/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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