

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46075 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- JAYNAGAR District- Madhubani

1. Pappu Kumar Yadav S/O- Ravinandan Yadav Village- Yogiya Ps- Ladaniya Dist- Madhubani
2. Birendra Paswan Son of Uttimk Paswan Village- Yogiya Ps- Ladaniya Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

2. The petitioners seek bail in connection with Jaynagar P.S. Case No. 197 of 2023 corresponding to G.R. No. 748/2023 registered for the offence under Sections 272, 373 and 414/34 of the Indian Penal Code and 30(a) and 44 of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioners are named in the F.I.R. and are in custody since 12.05.2023.

4. The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 405 litres of IMFL/country made liquor



from alleged motorcycle.

5. Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from jointly occupied motorcycle and as such it cannot be said that alleged illicit liquor was recovered from conscious physical possession of these petitioners, who are men of clean antecedent. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses, rather by police personnels.

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 these petitioners, where seizure list appears doubtful being not supported by independent witnesses, where petitioners are in custody since 12.05.2023, accordingly, both above named petitioners are directed to be released on bail in connection with Jaynagar P.S. Case No. 197 of 2023 corresponding to G.R. No. 748/2023 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani, District-



Madhubani/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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