

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45151 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- FATEHPUR District- Gaya

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YOGENDRA KUMAR S/O Puna Yadav R/O Village- Gulriyatand, Ps.
Fatehpur, Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 45639 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- FATEHPUR District- Gaya

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NEERU KUMAR @ NIRU KUMAR Son of Kedar Yadav Resident of
Village - Bagai, P.S.- Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 46676 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- FATEHPUR District- Gaya

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SURENDRA YADAV Son Of Gariban Yadav Resident Of Village- Bagai,
Kps- Fatehpur, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 47193 of 2023

Arising Out of PS. Case No.-398 Year-2023 Thana- FATEHPUR District- Gaya

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GIRIJESH KUMAR Son of Suresh Yadav Resident of village - Bagai, P.S -
Fatehpur, Distt. - Gaya

... .. Petitioner/s

Versus

The State Of Bihar



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45151 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Naveen Kr. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 45639 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Naveen Kr. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 46676 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Naveen Kr. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 47193 of 2023)

For the Petitioner/s : Mr.Vijay Anand, Advocate

For the Opposite Party/s : Mr.Naveen Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-08-2023 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
Fatehpur P.S. Case No. 398 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 09.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 100 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that petitioner was not apprehend on spot,
where nothing surfaced during the course of investigation as to
connect petitioner, *prima facie*, with the alleged vehicle and



illicit liquor and as such it can be safely gathered that the recovery not appears to be made from the conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fatehpur P.S. Case No. 398 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 Court No.1, Gaya/concerned court, subject to the conditions as mentioned



under Section 437 (3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 45639 of 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 Fatehpur P.S. Case No. 398 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 09.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 200 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehend on spot, where nothing surfaced during the course of investigation as to connect petitioner, *prima facie*, with the alleged vehicle and illicit liquor and as such it can be safely gathered that the recovery not appears to be made from the conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fatehpur P.S. Case No. 398 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 Court No.1, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 46676 of 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 Fatehpur P.S. Case No. 398 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

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



in custody since 09.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 100 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehend on spot, where nothing surfaced during the course of investigation as to connect petitioner, *prima facie*, with the alleged vehicle and illicit liquor and as such it can be safely gathered that the recovery not appears to be made from the conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in one more case, where he is on bail 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the



petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fatehpur P.S. Case No. 398 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 Court No.1, Gaya/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 47193 of 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 Fatehpur P.S. Case No. 398 of 2023 registered for the offence under Section 30(a) of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 09.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 150 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehend on spot, where nothing surfaced during the course of investigation as to



connect petitioner, *prima facie*, with the alleged vehicle and illicit liquor and as such it can be safely gathered that the recovery not appears to be made from the conscious physical possession of the petitioner. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is 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 appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of alleged illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Fatehpur P.S. Case No. 398 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 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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