

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47663 of 2023

Arising Out of PS. Case No.-34 Year-2021 Thana- KOILWAR District- Bhojpur

BAM BAM YADAV @ RAM PRAKASH RAY Son of Bachu Ray @ Bacchu
Yadav Resident of village - Jamira Bhojpur, P.S. - Ara Muffasil, Distt. -
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 Koilwar
P.S. Case No. 34 of 2021 registered for the offence under Section
Sections 30(a)(c) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 24.04.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 205 litres of IMFL/country made liquor from an open place.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from an open place, accessible by general public and, as such it can
be said safely that recovery of alleged illicit liquor not appears to be



made from the 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.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place, accessible by general public coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 24.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Koilwar P.S. Case No. 34 of 2021 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 Special Judge Excise Court No. 11, Bhojpur at Ara/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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