

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49355 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- BIHARIGANJ District- Madhepura

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RUPESH YADAV @ RUPESH KUMAR S/O NITIYANAND YADAV @
NITYANAND YADAV R/O VILLAGE- FATHEPUR, PS. BIHARIGANJ,
DIST. MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Bihariganj P.S. Case No.123 of 2023 registered for the offence
under 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 19.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 142.25 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that name of this petitioner surfaced on the



basis of disclosure of Sanjay Pandit, where, in furtherance of which, no incriminating material surfaced/recovered, during course of investigation, as to connect him, *prima facie*, with present recovery of illicit liquor. It is submitted that petitioner is not a registered owner of the alleged tractor. It is also submitted that petitioner was not apprehended on spot and as such, it cannot be said that alleged recovery of illicit liquor was made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

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, where, petitioner is a man of clean antecedent and in custody since 19.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Bihariganj P.S. Case No.123 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 Additional Sessions Judge-7th – cum – Special Judge Excise – 2, Madhepura/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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