

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44002 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

VIJAY KUMAR YADAV SON OF RAM KRIPAL YADAV RESIDENT OF
VILLAGE KORAHIIYA PS JAYNAGAR DISTRICT MADUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46225 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

SHYAM KUMAR PURBEY S/o Ramnarayan Purbey Resident of Village
Pachahar, Ward No. 1, P.S.-Jaynagar, District-Madhubani (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46915 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

DURGESH KUMAR YADAV SON OF JALIM YADAV RESIDENT OF
VILLAGE- HARHI, PS- LADANIYA, DISTT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46981 of 2023

Arising Out of PS. Case No.-174 Year-2023 Thana- JAYNAGAR District- Madhubani

SUVASH SAH @ SUVAS CHANDRA SAH S/O RAMAWTAR SAH R/O
VILLAGE- PACHAHAR, PS. JAYNAGAR, DIST. MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR



... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44002 of 2023)

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

(In CRIMINAL MISCELLANEOUS No. 46225 of 2023)

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

(In CRIMINAL MISCELLANEOUS No. 46915 of 2023)

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

(In CRIMINAL MISCELLANEOUS No. 46981 of 2023)

For the Petitioner/s : Mr. Rakesh Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023

IN CR. MISC. NO. 44002 OF 2023

Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Jaynagar P.S. Case No.174 of 2023 registered for the offence
under Sections 272, 273 and 414/34 of the Indian Penal Code,
Section 30(a) and 41 of the Bihar Prohibition and Excise Act,
2018 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 29.04.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 900 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 made by co-accused person, namely, Shyam Kumar Purbey, who apprehended with pick-up van, carrying illegal consignment of illicit liquor. 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, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No.174 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-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of



the Cr.P.C.

IN CR. MISC. NO. 46225 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Jaynagar P.S. Case No.174 of 2023 registered for the offence under Sections 272, 273 and 414/34 of the Indian Penal Code, Section 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 29.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 900 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that this petitioner being co-passenger was apprehended on spot, where, nothing surfaced, during course of investigation, which may suggest that he was under knowledge of carrying consignment of illicit liquor. 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, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No.174 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-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 46915 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Jaynagar P.S. Case No.174 of 2023 registered for the offence under Sections 272, 273 and 414/34 of the Indian Penal Code,



Section 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018 and Sections 25(1-b)a, 26 and 35 of the Arms Act.

3. The accused/petitioner is named in the F.I.R. and is in custody since 29.04.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 900 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that maximum allegation against this petitioner to act as a liner, therefore, it is sufficient to gathered that no illicit liquor was recovered from his possession. It is submitted that a country made pistol shown to be recovered from possession of this petitioner only to aggravate the allegation, where, seizure list also appears doubtful, for the reason, same is 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 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 and by taking note of the fact as seizure list is not supported by independent witnesses, alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 29.04.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No.174 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-II-cum-Special Judge, Excise Act, Madhubani/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 46981 OF 2023

Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Jaynagar P.S. Case No.174 of 2023 registered for the offence under Sections 272, 273 and 414/34 of the Indian Penal Code, Section 30(a) and 41 of the Bihar Prohibition and Excise Act, 2018 and Sections 25(1-b)a, 26 and 35 of the Arms Act.



3. The accused/petitioner is named in the F.I.R. and is in custody since 16.06.2023.

4. The allegation against the petitioner is to be engaged in illegal trade of illicit liquor, where, there is recovery of 900 litres of illicit liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that maximum allegation against this petitioner is to provide pick-up van to co-accused, namely, Shyam Kumar Purve, who disclosed his name, while apprehending with present case. It is submitted that no illicit liquor, as alleged was recovered 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, who is a man of clean antecedent and is in custody since 16.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Jaynagar P.S. Case No.174 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-II-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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