

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46309 of 2023

Arising Out of PS. Case No.-119 Year-2023 Thana- BASOPATTI District- Madhubani

Santosh Yadav Son of Mushar Yadav Resident of village - Mathhaur, P.S. -
Basopatti, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-08-2023 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
Basopatti P.S. Case No. 119 of 2023, G.R. No. 805/2023
registered for the offence under Sections 272, 273, 34 of the
Indian Penal Code and 30(a)/45 of the Bihar Prohibition and
Excise Act.

3. The accused/petitioner is named in the F.I.R. and
is in custody since 22.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 135 litres of IMFL/country made liquor
from Brahmsthan orchard.



5. Learned counsel appearing on behalf of the petitioner submitted that alleged illicit liquor appears to be recovered from an orchard near to Brahmsthan of village, which is an open place accessible by general public and as such, it can be safely gathered that alleged illicit liquor not appears to be recovered from conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in two more criminal cases, 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 opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, and by taking note of the fact as alleged illicit liquor appears to be recovered from an open place, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 22.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Basopatti P.S. Case No. 119 of 2023, G.R. No. 805/2023 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 Court of Additional Sessions Judge- II-



cum-Special Judge Excise Act, 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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