

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49358 of 2023

Arising Out of PS. Case No.-93 Year-2023 Thana- GHANSHYAMPUR District- Darbhanga

HARI YADAV SON OF BACHCHA LAL YADAV RESIDENT OF
VILLAGE- MANSARA, PS- GHANSHYAMPUR, DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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
Ghanshyampur P.S. Case No.93 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 01.05.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 124.15 litres of illicit liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor was
made from a hut, besides the house of this petitioner, which is



not connected in any manner to this petitioner and as such, it cannot be said that alleged recovery was made from conscious physical possession of this petitioner. It is also submitted that compliance of Section 100(4) of the Cr.P.C. not appears to be followed in present case, regarding search of premises. 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 alleged recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner coupled with the fact that charge-sheet has already submitted, where, petitioner is a man of clean antecedent and in custody since 01.05.2023, let the petitioner, above named, is directed to be released on bail in connection with Ghanshyampur P.S. Case No.93 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 Special Judge Excise-II, Darbhanga/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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