

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46645 of 2023

Arising Out of PS. Case No.-114 Year-2019 Thana- MADANPUR District- Aurangabad

SUBEDAR YADAV SON OF LATE GANESH YADAV RESIDENT OF
VILLAGE- SAHAJPUR, PS- MADANPUR, DISTT- AURANGABAD
BIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Madanpur P.S. Case No. 114 of 2019 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 07.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 30 litres of illicit liquor and 50 kg. of *Mahua* flower.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged illicit liquor and *Mahua* flower



were alleged to be recovered from the house of this petitioner, which is jointly occupied by other family members and as such, it cannot be said that alleged recovery was made from the conscious physical possession of the petitioner. It is submitted that compliance of Section 100(4) of the Cr.P.C. not appears to be followed regarding search of premises. It is also submitted that seizure list is also appearing doubtful, being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner found involved in 02 more criminal cases, where, he is on bail 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 and *Mahua* flower were 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 in custody since 07.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Madanpur P.S.



Case No. 114 of 2019 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, I,
Aurangabad (Bihar)/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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