

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48231 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- KASMA District- Aurangabad

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YUGESH BHUIYAN SON OF LOHARI BHUIYAN RESIDENT OF
VILLAGE- KHIKHIRIYA BANCH, PS- KASMA, DISTT- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 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 Kasma
P.S. Case No. 97 of 2023 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 22.06.2023.

4. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 3 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the
petitioner submitted that alleged recovery of illicit liquor appears
to be made from the house of this petitioner, which is occupied by
other family members also and as such recovery not appears to be
made from the conscious physical possession of this petitioner. It



is also submitted that compliance of Section 100(4) of the Cr.P.C. regarding search of premises not appears to be followed in the present case. It is submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

6. Learned APP appearing on behalf of State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, where petitioner is in custody since 22.06.2023, accordingly, above named petitioner is directed to be released on bail in connection with Kasma P.S. Case No. 97 of 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 Special Judge, Excise I, Aurangabad (Bihar)/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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