

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25407 of 2024

Arising Out of PS. Case No.-371 Year-2021 Thana- ATRI District- Gaya

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Santu Yadav @ Santu Kumar, S/o Late Vinod Yadav, Resident of Village-
Jehdi Bigha, P.S. Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mrs.Abha Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 30-08-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.
- and apprehending his arrest in connection with Atri P.S.
- Case No. 371 of 2021, registered for the offences
- punishable under Sections 272, 273 of the Indian Penal
- Code and Sections 30(a)(d) of the Bihar Prohibition and
- Excise Amendment Act, 2018.
3. The allegation against the petitioner is to be
- engaged in illegal trading/manufacturing of illicit liquor,
- where, there is recovery 2400 of IMFL/Mahua liquor



from the Aahar in village Jehli Bigha.

4. Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of Mahua was made from an open place i.e. Aahar in village Jehli Bigha, which is accessible by general public, and as such, it can be said safely that recovery was not made from the conscious physical possession of this petitioner. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by local chaukidar. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of facts as recovery of alleged Mahua *prima facie* appears made from the open place, not from the conscious physical possession of this petitioner, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial



Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise, Court No. 01, Gaya/concerned Court, where the case is pending in connection with Atri P.S. Case No. 371 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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