

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41110 of 2024

Arising Out of PS. Case No.-180 Year-2024 Thana- Excise P.S. District- Araria

Udan Yadav S/o Late Mano Yadav R/o vill - Milky Dumariya, ward no. 8, P.S.
- Fulkaha, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Araria Excise Circle P.S. Case No.180 of 2024
registered for the offences punishable under Section 30(a) of
the Bihar Prohibition and Excise Act.

3. The accused/petitioner named in the FIR and is
in custody since 23.04.2024.

4. Allegation against the petitioner is to have
involved in trade of illicit liquor and there is recovery of total
92.19 liters of illicit liquor from the possession of the
petitioner.



5. It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of the petitioner as he was not apprehended with bag having alleged illicit liquor rather he was alleged to run away after throwing the bag containing illicit liquor. It is submitted that the seizure list also appears doubtful being not supported by independent witness despite of availability. It is further submitted that antecedent of the petitioner was clean before lodging the present FIR, but subsequent to this case the petitioner has also been figured in one another case. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima facie* 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 23.04.2024, accordingly, the petitioner, above-named, 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 Judge Excise – 2, Araria in connection with Araria Excise Circle P.S. Case No.180 of 2024 subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J)

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