

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41129 of 2024

Arising Out of PS. Case No.-58 Year-2024 Thana- Excise P.S. District- Madhubani

Ram Krishna Yadav S/o Ram Prasad Yadav R/o Village virpur, PS Lalmaniya,
Dist Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 12-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Jhanjharpur (Excise) P.S. Case No. 58 of 2024

registered for the offences under Section 30 (a), 32 (1)

and 32 (3) of the Bihar Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 22.03.2024.

4. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor,

where, there is recovery of 630 litres of IMFL/country



made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that petitioner took a lift in vehicle, for short local destination from where illicit liquor was seized. It is further submitted that petitioner is not connected in any manner with the alleged vehicle or recovered illicit liquor. It is submitted that during the course of investigation nothing surfaced, which may suggest that petitioner was under knowledge regarding consignment of illicit liquor and thus it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of the petitioner, who is a man of clean antecedent. While concluding the argument it is submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

7. In view of the facts and circumstances as



mentioned above and by taking note of the fact as recovery of illicit liquor, *prima facie*, not appears to be made from the conscious physical possession of this petitioner, coupled with the fact as petitioner is in custody since 22.03.2024, where charge-sheet has already submitted, accordingly, petitioner, above named, is directed to be released on bail in connection with Jhanjharpur (Excise) P.S. Case No. 58 of 2024 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 Act, Jhanjharpur, Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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