

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40993 of 2024

Arising Out of PS. Case No.-509 Year-2024 Thana- Excise P.S. District- Gaya

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1. Kapil Yadav Son of Lakhan Yadav R/O- Village- Bagai, P.S.- Fatehpur, Distt.- Gaya
 2. Punam Kumard Son of Maheshwar Yadav R/O- Village- Bagai, P.S.- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

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

the petitioners and learned APP appearing on behalf of

the State.

2. The petitioners seeks bail in connection with

Excise P.S. Case No. 509 of 2024 registered for the

offences under Section 30 (a) & 32 (3) of the Bihar

Prohibition and Excise Act.

3. The petitioners are named in the F.I.R. and

are in custody since 05.05.2024.

4. The allegation against the petitioners is to be

engage in illegal trading/manufacturing of illicit liquor,



where, there is recovery of 200 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioners submitted that recovery of illicit liquor was made from the motorcycles, which is not connected in any manner with petitioners and as such it cannot be said that recovery of illicit liquor was made from conscious physical possession of the petitioners, who are men of clean antecedent. It is also submitted that seizure list appears doubtful being not supported by independent witnesses rather by police personnels.

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*, appears doubtful from the conscious physical possession of petitioners, coupled with the fact as petitioners are in custody since 05.05.2024, where charge-sheet has already submitted,



accordingly, petitioners, above named, are directed to be released on bail in connection with Excise P.S. Case No. 509 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No. 3, Gaya/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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