

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58319 of 2024

Arising Out of PS. Case No.-12 Year-2024 Thana- SALAIYA District- Aurangabad

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1. Satyendra Yadav @ Satyendra Kumar, S/o Ramdeo Yadav, R/o vill - Gajraj bigha, P.S. Salaiya, Distt. - Aurangabad (Bihar).
 2. Upendra Yadav, S/o Sukhadi Yadav, R/o vill - Gajraj bigha, P.S. Salaiya, Distt. - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 30-08-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.
2. The both accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Salaiya P.S. Case No. 12 of 2024, registered for the offences punishable under Section 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022.
3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery 6 quintals of IMFL/Mahua liquor



from the Challo Hathiyawa Hill.

4. Learned counsel appearing on behalf of the petitioners submitted that alleged recovery of illicit liquor was made from the Challo Hathiyawa Hill, which is an open place and accessible by general public, and thus it can be said safely that recovery of alleged illicit liquor was not made from the conscious physical possession of petitioners. It is also submitted that seizure list also appearing doubtful being not supported by independent witnesses, rather by police personnels. While concluding the argument, it is submitted that petitioner no. 1 found involved in three criminal cases and petitioner no. 2 found involved in one criminal case, where they are on bail.

5. Learned APP, opposes the prayer of bail.

6. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor appears to be made from an open place, accordingly, both above named petitioners, in the event of their



arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No. 1, Aurangabad (Bihar)/concerned Court, where the case is pending in connection with Salaiya P.S. Case No. 12 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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