

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64459 of 2024

Arising Out of PS. Case No.-15 Year-2022 Thana- Excise P.S. District- Madhepura

Sajendra Yadav S/o Late Gosai Yadav R/o village- Sahugardh (Sahugadh)
(Divani (Deewani) Tola) ward no.12 P.S.- Madhepura, District-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-09-2024 Heard the parties.

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Madhepura Excise P.S. Case No. 15 of 2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is to be engaged in illegal trading of illicit liquor, where, there is recovery of 148.29 liters of IMFL/country made liquor.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner implicated falsely with present case for only reason that the vehicle



which was loaded with the consignment of illicit liquor was parked in-front of his house. It is submitted that the allegation *qua* recovery in itself is sufficient to suggest that no illicit liquor recovered from the conscious physical possession of this petitioner. While concluding arguments, it is submitted that petitioner is said to be involved in one more criminal case of different nature where he is on bail.

5. Learned APP, opposes the prayer of bail.

6. In view of the aforesaid facts and circumstances and by taking note of the fact that the recovery of alleged illicit liquor appears doubtful from conscious physical possession of this petitioner, accordingly, petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks, 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 Addl. Sessions Judge-VII-



cum Special Judge Excise II, Madhepura/concerned Court, where the case is pending in connection with Madhepura Excise P.S. Case No. 15 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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