

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80208 of 2024

Arising Out of PS. Case No.-244 Year-2021 Thana- RAFIGANJ District- Aurangabad

Arun Kumar Yadav @ Arun Kumar, S/o Shambhu Yadav @ Bhagalu Yadav,
R/o village-Jamuniya, P.S. - Madanpur, Distt.- Aurangabad, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-11-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Rafiganj P.S. Case No.244 of 2021 registered for the
offence punishable under Sections 30(a) and 34 of the Bihar
Prohibition and Excise Act.

3. The accused/petitioner is named in the FIR and is
in custody since 11.03.2024.

4. Allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where there is
recovery of 5212.500 liters of Indian made foreign illicit
liquor.

5. It is submitted by learned counsel for the



petitioner that the name of petitioner surfaced in present case out of disclosure of apprehended co-accused persons, who are Nitish Yadav, Dilip Kumar and Ranjay Kumar. It is submitted that both co-accused, namely, Nitish Yadav and Dilip Kumar have been granted bail by one of the learned co-ordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No.1327 of 2022 and order dated 07.03.2022 passed in Cr. Misc. No.65411 of 2021 respectively. It is submitted that nothing found during the investigation, which may connect the petitioner with present truck or illicit liquor. It is also pointed out that admittedly recovery of illicit liquor was not made from possession of this petitioner. While concluding argument, it is submitted that seizure list also appears disputed being not supported by independent witness rather by police personnel and moreover, the investigation of this case is 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 facts and circumstances, as petitioner was not apprehended on spot, which creates a doubt *qua* recovery of illicit liquor from his possession, coupled with the fact that investigation of this case is already completed for which charge-sheet has already submitted, where petitioner is in custody since 11.03.2024, 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 Special Judge Excise-1st, Aurangabad, Bihar in connection with Rafiganj P.S. Case No.244 of 2021, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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