

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79136 of 2023

Arising Out of PS. Case No.-410 Year-2023 Thana- BARUN District- Aurangabad

Nagendra Yadav @ Nagendra Singh, Son of Indradeo Yadav, R/o Village Sahaspur, P.S.- Barun, District-Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Barun P.S. Case No. 410 of 2023 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Allegation against the petitioner is to involve in illegal trade of illicit liquor, where recovery of illicit liquor appears to be made from temporary constructed house made of asbestos.

4. It is submitted by learned counsel appearing on behalf of the petitioner that house in issue and land does not belong to the petitioner and, as such, there is no question as to



recovery of illicit liquor from conscious physical possession of the petitioner to make out a *prima facie* case. It is submitted that the land in issue is a government land, which is a *diara* (embankment of river) of some river. While concluding argument, it is submitted that seizure list witnesses are also appearing police personnel and not independent.

5. Learned APP opposes the prayer for bail.

6. In view of the aforesaid facts and circumstances, as illicit liquor not appears to be made from the physical possession of this petitioner, accordingly, the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on 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 Court No.1, Aurangabad in connection with Barun P.S. Case No. 410 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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