

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 81110 of 2024

Arising Out of PS. Case No.-276 Year-2022 Thana- NAWANAGAR District- Buxar

Yuglesh Prasad Singh S/O Lalji Yadav R/O vill - Rupsagar, P.S – Nawanagar,
Dist.- Buxar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dimpal Kumari, Advocate

For the Opposite Party/s : Mrs.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-12-2024 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Nawanagar P.S. Case No. 276 of 2022 registered for the

offence under Sections 30(a), 30(c), 30(d), 33, 34, 36 and

41(1)(2) of the Bihar Prohibition and Excise Amendment Act,

2018.

3. The accused/petitioner is not named in the F.I.R.

but his motorcycle having registration no. BR24AF1541

recovered from the place of occurrence. The petitioner is in

custody since 23.09.2024.

4. Learned Counsel appearing on behalf of the

petitioner submitted that total of 216 litres of spirit, 76.60

litres of illicit liquor and 50 litres of sanitizer alleged to be



recovered from the place of occurrence, where petitioner alongwith other co-accused persons was alleged to engage in illegal manufacturing of illicit liquor.

5. It is submitted by learned counsel appearing on behalf of the petitioner that the recovery of all such materials, which was said to be ingredients of illicit liquor were recovered from an open place as per seizure list, which is accessible by general public and, as such, it can be safely gathered that the recovery of illicit liquor and other allied materials was not made from conscious physical possession of this petitioner. It is submitted that the petitioner was not apprehended from the spot and he was implicated with present case only as his motorcycle was parked near to medical shop, which was closed to the place of occurrence/recovery. It is submitted that similarly situated co-accused person, namely, Jai Prakash Rai has already granted bail by this Court. While concluding the argument, it is submitted that the petitioner is a man of clean antecedent and moreover, investigation of this case is already completed, for which charge-sheet has been submitted, as such, there is no chance of tampering



with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances and by taking note of fact as recovery of illicit liquor and its allied materials appears to be recovered from an open place, which is accessible by general public, coupled with the fact that petitioner implicated with this case *prima facie*, as his motorcycle was found parked near to place of occurrence accordingly, petitioner above named, is directed to be released on bail in connection with Nawanagar P.S. Case No. 276 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-2, Buxar/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. /Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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