

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.121 of 2024

Arising Out of PS. Case No.-78 Year-2023 Thana- SAHARGHAT District- Madhubani

Jhapas Yadav Son of Khakhan Yadav Resident of Village- Kerwa, P.S.-
Saharghat, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Advocate General Bihar Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Rajesh Kumar, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 19-03-2024 1. 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 F.I.R.

and apprehending his arrest in connection with

Saharghat P.S. Case No. 78 of 2023, registered for the

offences punishable under Sections 272, 273/34 of the

Indian Penal Code and 30(a) of the Bihar Prohibition and

Excise Act, 2018.

3. The allegation against above named

petitioner is to involve in illegal trading, where 18 litres



of illicit liquor alleged to be recovered from the possession of the apprehended co-accused person, namely, Rajan Kumar.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated with present false case only being father of the apprehended co-accused, namely, Rajan Kumar. It is submitted that on the basis of disclosure of apprehended co-accused, petitioner being father implicated with present case, without having any connecting evidence. It is also pointed out that seizure list is not appearing supported by independent witnesses, as same is supported by constable of Bihar Police, and, as such entire alleged recovery *prima facie*, appears doubtful.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances, as there is no recovery of illicit liquor from the conscious physical possession of this petitioner, where implication appears *prima facie* being father of the



apprehended co-accused person, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, 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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani/concerned Court, where the case is pending in connection with Saharghat P.S. Case No. 78 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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