

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20589 of 2025

Arising Out of PS. Case No.-5 Year-2025 Thana- BATHWARIA District- West Champaran

Amardev Yadav Son of Late Shivnath Yadav Resident of Village - Chandraha
Rupwaliya Naraya Sah Ka Tola, Police Station - Bathwariya, District - West
Champaran. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 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 Bathwariya P.S. Case
No. 05 of 2025, registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 9.540 litres of IMFL/country made liquor from a bush.

4. Taking note of submission as advanced by learned
counsel appearing for the petitioner and upon perusal of record, it
transpires that the recovery of illicit liquor as alleged was made
from a bush developed behind the shop of the petitioner, which is
an open place and accessible by general public, negating recovery
of alleged illicit liquor from physical possession of the petitioner.



Petitioner who said to be involved in one more criminal case but of different nature.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, rather from an open place, 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 Special Judge, Excise, Bagaha, West Champaran/concerned Court, where the case is pending in connection with Bathwariya P.S. Case No. 05 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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