

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86758 of 2024

Arising Out of PS. Case No.-262 Year-2020 Thana- PHULPARAS District- Madhubani

Raja Ram Yadav S/o- Late Tripti Yadav Yadav Village- Vishnupur Ps-
Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit

For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

9 30-07-2025 Heard the parties.

2. The petitioner seeks bail in connection with Phulparas P.S. Case No. 262 of 2020 registered for the offence under Sections 272, 273 of the I.P.C. and Section 30(a) of the Bihar Prohibition and Excise Act and 25(1-b)A/26 Arms Act.

3. The petitioner is named in the F.I.R. and is in custody since 24.10.2024.

4. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 20.560 litres of IMFL/country made liquor and one country made *desi* carbine.



5. Learned counsel appearing on behalf of the petitioner submitted that petitioner implicated falsely with present case being father of co-accused namely, Santosh Yadav and Satish Yadav who were indulged in illegal activities of illicit liquor. It is submitted that house in issue occupied by different adult members of the family and therefore in want of compliance of Section 103(4) of BNSS, it cannot be said that recovery of illicit liquor was made from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner is found involved in one more criminal case of different nature where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor and countrymade fire arms *prima-facie* not appears to be recovered from the conscious physical possession of this petitioner, where compliance of Section 103(4) of BNSS also



appears doubtful, coupled with fact that investigation of this case is already completed, where petitioner remains in custody since 24.10.2024, accordingly petitioner above named, is directed to be released on bail in connection with Phulparas P.S. Case No. 262 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise Act, Jhanjharpur, Madhubani /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)

Sudha/-

U		T	
---	--	---	--

