

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.20927 of 2018**

Arising Out of PS. Case No.-125 Year-2018 Thana- BODHGAYA District- Gaya

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Gaya Yadav S/o Saryu Yadav, R/o Village- Sonahthu, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL**

ORAL ORDER

2     16-04-2018                      Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Bodh Gaya (Cherki) P.S. Case no. 125 of 2018 registered under Sections 272, 273 of the Indian Penal Code and Section 30(d) of Bihar Prohibition & Excise Act-2016.

500 kg. of Mahua flower is said to have been recovered from the tempo and the petitioner who happens to be driver of the said tempo and one other accused namely, Binod Mandal were apprehended. Said Binod Mandal divulged the factum of carrying the said Mahua flower for brewing liquor.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his



conscious physical possession. He has been falsely implicated in the case at the instance of his enemy. He has no concern with the seized article. As a matter of fact, the commuter namely, Binod Mandal was carrying the said Mahua flower in the bag and petitioner had no knowledge of keeping the seized article in the said bag. He has no criminal antecedent. He has been languishing in custody since 28.02.2018..

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Gaya in connection with Bodh Gaya (Cherki) P.S. Case no. 125 of 2018.

**(Prakash Chandra Jaiswal, J)**

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