

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24991 of 2018

Arising Out of PS.Case No. -49 Year- 2018 Thana -SAUR BAZAR District- SAHARSA

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Madan Yadav son of Late Upendra Prasad Yadav @ Upendra Yadav
resident of village - Baijnathpur, Ward No. 7, P.S. Sour Bazar (Baijnathpur
O.P.), District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Lalan Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 01-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

182.400 litres of country made liquor is said to have
been recovered from the closed rice mill of Md. Samim Alam
located adjacent to the house of Kamal Chaurasia and the said
Kamal Chaurasia was apprehended who disclosed the name of the
petitioner.

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



conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery. He was not apprehended on the spot. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring confessional statement of Kamal Chaurasia and the said Kamal Chaurasia has been enlarged on bail by this court vide order dated 16.04.2018 passed in Cr. Misc. No. 21103 of 2018. The petitioner has been languishing in custody since 09.03.2018.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Saharsa in connection with Special (Excise) Case No. 50 of 2018 arising out of Sour Bazar (Baijnathpur O.P.) P.S. Case No. 49 of 2018.

(Prakash Chandra Jaiswal, J)

Mishra/-

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