

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35285 of 2018

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Sanjay Yadav, S/o Gobardhan Yadav, resident of Village- Telua Naurahi,
P.S. Nautan, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Harendra Prasad

For the Opposite Party/s : Mr. Shailendra Kumar

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 30(a)(b)(c), 38(i) and 41(i) of
the Bihar Prohibition and Excise Act, 2016.

6.800 litres of country made liquor, gas cylinder,
utensils, raw materials and other articles meant for brewing liquor
are said to have been recovered from the field of Govardhan
Yadav and two accused persons namely Sudama Mukhiya and
Sukhdeo Mukhiya were apprehended while several accused
persons including the petitioner managed to escape. They
disclosed the name of the petitioner in the occurrence.

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 or any activity of brewing liquor. He was not apprehended on the spot. He has been falsely implicated in the case by the aforesaid apprehended accused persons due to animosity. Barring the aforesaid disclosure, there is nothing in the record indicating the complicity of the petitioner in the occurrence. Though one more case under Excise Act has been lodged against the petitioner, but he is on bail in the aforesaid case. He has been languishing in custody since 05.05.2018.

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 Addl. Sessions Judge-II cum Special Judge, Excise Act, Gopalganj in connection with Yadopur P.S. Case No. 09 of 2018.

(Prakash Chandra Jaiswal, J)

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