

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42971 of 2018

=====

Indal Yadav, son of Ram Yadav, resident of village Shihma, Pathla Tola,
P.S. Matihani, District Begusarai. Petitioner/s

Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

=====

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

02 17-07-2018 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 Sections 420, 467, 414 and 120 (b)/34 of the Indian Penal Code and Section 30 (a), 32, 27 & 41 (i) of the Bihar Prohibition and Excise Act, 2016.

882 liters of foreign liquor is said to have been recovered from the truck and 10-11 persons standing near the truck managed to escape and the driver of the truck Jasbindra Singh was apprehended. The spy disclosed the name of the petitioner as trader of liquor. The impugned order indicates that the co-accused in his confessional statement has also named the petitioner as one of the accomplice 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



- 2 -

with the seized liquor or the vehicle in question or any trade of liquor. The identity and genuineness of the source of information has not been given in the written report. The confessional statement of co-accused given before the police has no evidentiary value in the eye of law. He was not apprehended at the spot. He has been falsely implicated in this case at the instance of his enemy. Similarly situated co-accused Birbal Yadav and Raushan Kumar have been granted bail by different co-ordinate Bench of this Court in Cr. Misc. Nos.36303 of 2018 and 34404 of 2018 vide order dated 28.06.2018 and 14.06.2018 respectively. Though three more criminal cases have been lodged against the petitioner but he is on bail in two of the aforesaid cases. He has been languishing in custody since 27.06.2018.

In the facts and circumstances of the case, 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 Additional Sessions Judge-II-cum-Special Judge Excise Act, Begusarai in connection with Sahebpur Kamal P.S. Case No.101 of 2018.

(Prakash Chandra Jaiswal, J)

Trivedi/-

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

