

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44331 of 2018

Arising Out of PS. Case No.-52 Year-2018 Thana- RAGHUNATHPUR District- Siwan

Umesh Yadav S/o Sri Bachcha Yadav, R/o Vill.- Rajpur (Baluarpar), P.S.-
Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

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

ORAL ORDER

2 23-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with
Raghunathpur P.S. Case no. 52 of 2018 registered under
Sections 272, 273, 308/34 of I.P.C. and Sections 30(A), 38(A)
and 41(1) of Bihar Excise and Prohibition Act-2016.

2581.200 lts. of foreign liquor is said to have been
recovered from bush located on the bank of Saryu river beside
the house of Abhimanyu Yadav and petitioner and other accused
persons managed to escape from the aforesaid place.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from conscious
physical possession of the petitioner. He has no concern either



with the seized liquor or with the place of recovery. The place of recovery is open place and easily accessible to anyone. He has been falsely implicated in this case at the instance of his enemy. The identity and genuiness of source of information has not been mentioned in the written report. He was not apprehended on the spot. Though, one more case under Excise Act has been lodged against the petitioner, but he is on bail in the said case. He has been languishing in custody since 24.05.2018.

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 Addl. Sessions Judge 2nd, Siwan in connection with Raghunathpur P.S. Case no. 52 of 2018.

(Prakash Chandra Jaiswal, J)

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