

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26532 of 2018

Arising Out of PS. Case No.-601 Year-2017 Thana- SAUR BAZAR District- Saharsa

Madan Yadav son of Late Upendra Prasad 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

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP 224

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Special (Excise) Case No. 615 of 2017 arising out of Sour Bazar (Baijnathpur O.P.) P.S. Case No. 601 of 2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

615 liters of foreign liquor and country made liquor are said to have been recovered from the house of the petitioner and the petitioner was apprehended.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious possession of the petitioner. He has no concern with the seized liquor. He has been falsely implicated in the case at



the instance of his enemies. The house of the petitioner is inhabited by several family members and he had no knowledge of keeping of the aforesaid liquor in the said house. The seizure list does not bear the signature of the petitioner and there is no compliance of Section 100 of the Criminal Procedure Code. He has no criminal antecedent. He has been languishing in custody since 10.02.2018. Though one more case under Excise Act has been lodged against the petitioner, but, he is on bail in the aforesaid case.

Considering the facts, aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Special (Excise) Case No. 615 of 2017 arising out of Sour Bazar (Bajinathpur O.P.) P.S. Case No. 601 of 2017 to the satisfaction of the Special Judge, Excise Act, Saharsa.

(Prakash Chandra Jaiswal, J)

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