

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32923 of 2018

Arising Out of PS.Case No. -279 Year- 2017 Thana -ANDER District- SIWAN

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Pappu Yadav S/o Late Binod Yadav, R/o Vill.- Barwa, P.S.- Andar ,
District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey

For the Opposite Party/s : Mr. Manish Kumar 2

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL
ORAL ORDER

4 03-07-2018 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 272, 273 and 308 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

267.13 litres of foreign liquor is said to have been
recovered from the bathan of Bishundeo Yadav and the said
Bishundeo Yadav was apprehended who disclosed the name of the
petitioner and other accused namely Mirtunjay Yadav to be
supplier of the liquor to him.

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 with any trade of liquor. 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 Bishundeo Yadav which has no evidentiary value in the eye of law. There is no compliance of Section 100 Cr.P.C. Though two more criminal cases have been lodged against the petitioner, but he is on bail in one of the aforesaid cases. He has been languishing in custody since 16.03.2018. Said Bishundeo Yadav has been enlarged on bail by a co-ordinate bench of this court vide order dated 12.02.2018 passed in Cr. Misc. No. 6873 of 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, Siwan in connection with Andar P.S. Case No. 279 of 2017.

(Prakash Chandra Jaiswal, J)

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